



Town of Loxahatchee Groves
Town Council Meeting
Tuesday, April 21, 2015 - 7:00 p.m. to 10:30 p.m.

(Times established by Resolution No. 2014-08... commencing at 7:00 p.m., and ending no later than 10:30 p.m., which can be extended by motion of the Council.)

Loxahatchee Groves Water Control District, 101 West "D" Road

Mayor David Browning (Seat 4)
Vice-Mayor Ronald D. Jarriel (Seat 1)
Councilman Tom Goltzené (Seat 5)
Councilman Ryan Liang (Seat 3)
Councilman Jim Rockett (Seat 2)

Town Manager William F. Underwood, II
Town Clerk Janet K. Whipple
Jim Fleischmann, Town Planning Consultant
Town Attorney Michael D. Cirullo, Jr.

PUBLIC NOTICE/AGENDA

Tentative
Subject to Revision

1. OPENING

- a. Call to Order & Roll Call
- b. Pledge of Allegiance & Invocation – Mayor Browning
- c. Approval of Agenda

2. CONSENT AGENDA

- a. Minutes: **February 17, 2015** – Regular Town Council Meeting

3. PUBLIC COMMENTS

4. PRESENTATIONS – NONE

5. COMMITTEE REPORTS - NONE

(Clerk Note: Due to potential lengthy discussion on Resolution No. 2015-09, it will be placed on the Agenda as the last resolution. The resolution numbers will be out of sequence).

6. RESOLUTIONS

- a. **RESOLUTION NO. 2015-13:** *(Council Board Appointments for Financial Audit and Advisory Committee (FAAC)).*

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPOINTING _____,
_____, _____,
_____, AND
_____, AS VOTING MEMBERS OF THE FINANCE ADVISORY AND AUDIT COMMITTEE, TO SERVE TERMS OF ONE (1) YEAR; PROVIDING FOR AMENDMENT OF SECTION 2(I)(E) OF RESOLUTION 2009-014, TO PROVIDE FOR TERMS OF VOTING MEMBERS TO BE ONE (1) YEAR; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

(Clerk Note: There will be two motions – one for approval of the names selected, and one for the Resolution)

- b. **RESOLUTION NO. 2015-14:** *(Council Board Appointments for Roadway, Equestrian Trails and Greenway Advisory Committee (RETGAC)).*

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPOINTING _____,
_____, _____,
_____, AND
_____, AS VOTING MEMBERS OF THE ROADWAY, EQUESTRIAN TRAILS AND GREENWAY ADVISORY COMMITTEE, TO SERVE TERMS OF ONE (1) YEAR; PROVIDING FOR AMENDMENT OF SECTION 2(I)(E) OF RESOLUTION 2011-005, AMENDED BY RESOLUTION 2015-014 TO PROVIDE FOR TERMS OF VOTING MEMBERS TO BE ONE (1) YEAR; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

(Clerk Note: There will be two motions – one for approval of the names selected, and one for the Resolution)

QUASI JUDICIAL

- c. **RESOLUTION NO. 2015-09 / QUAIS JUDICIAL/PUBLIC HEARING:** *(Big Dog Ranch Special Exception & Site Plan Approval). (Moved to a date certain from the April 7, 2015 Town Council Meeting).*

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE BIG DOG RANCH SPECIAL EXCEPTION AND SITE PLAN, FOR LAND OWNED BY TLH 25 VILLA, LLC CONSISTING OF 33.16 ACRES MORE OR LESS, LOCATED AT THE SOUTHEAST CORNER OF OKEECHOBEE BOULEVARD AND “D” ROAD LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT “A” TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

7. ORDINANCES

- a. **ORDINANCE NO. 2015-02 / FIRST READING:** *(Council Board Appointment for Planning & Zoning Board / Local Planning Agency (LPA) Members).*

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ORDINANCE 2011-011, WHICH ESTABLISHED THE TOWN’S PLANNING AND ZONING BOARD, AS AMENDED BY ORDINANCE 2012-02, TO AMEND SECTION 2, SUBSECTION ENTITLED “COMPOSITION AND TERM OF OFFICE”, TO CHANGE THE TERM OF OFFICE FOR PLANNING AND ZONING BOARD MEMBERS FROM THREE YEAR TERMS TO ONE YEAR TERMS; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

- b. **ORDINANCE NO. 2015-03 / FIRST READING:** *(Prohibiting Disposal of Waste Materials)*

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROHIBITING THE DISPOSAL OF WASTE MATERIALS, AS DEFINED HEREIN, WITHIN THE TOWN; PROVIDING FOR DEFINITIONS; FINDING THAT A VIOLATION OF THIS ORDINANCE SHALL BE DEEMED A NUISANCE; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

8. MANAGER'S REPORT – *Town Manager Underwood*

- a. **AGENDA ITEM REPORT (AIR)** - Updates on various activities and issues concerning the Town.
- b. **PBSO District 15, Loxahatchee Groves Monthly Report March 2015:** *(On File)*
- c. **Fire Rescue Response Time for February and March 2015:** *(On File)*

9. OLD BUSINESS

- a. Consideration for donation to the Loxahatchee Groves Elementary School's PTO Annual Spring Carnival and Silent Auction. Presentation was made during the January 20, 2015 Town Council Meeting, and Council chose to make a decision during a following meeting.

10. NEW BUSINESS

- a. Consideration to engage the Town's engineer to undertake and perform all activities necessary to implement the B Road improvements as envisioned through the B Road Agreement, the Town's portion of the B Road improvements and Resolution No. 2015-08.

11. COUNCIL REPORTS

12. CLOSING COMMENTS

- a. Public
- b. Town Attorney
- c. Town Council Members

13. ADJOURNMENT

The next regular Town Council Meeting is tentatively scheduled for May 5, 2015.

Comment Cards: Anyone from the public wishing to address the Town Council must complete a Comment Card before speaking. This must be filled out completely with your full name and address and given to the Town Clerk. During the meeting, before public comments, you may only address the item on the agenda in which is being discussed at the time of your comment. During public comments, you may address any item you desire. Please remember that there is a three (3) minute time limit on all public comment. Any person who decides to appeal any decision of the Council with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the proceedings is made which included testimony and evidence upon which the appeal is to be based. Persons with disabilities requiring accommodations in order to participate should contact the Town Clerk's Office (561-793-2418), at least 48 hours in advance to request such accommodation.



Item 2.a.

Consent Agenda

Minutes

February 17, 2015 – Regular Town Meeting



Town of Loxahatchee Groves Town Council Meeting

Tuesday, February 17, 2015 - 7:00 p.m. to 10:30 p.m.

(Times established by Resolution No. 2014-08... commencing at 7:00 p.m., and ending no later than 10:30 p.m., which can be extended by motion of the Council.)

Loxahatchee Groves Water Control District, 101 West "D" Road

Mayor David Browning (Seat 4)
Vice-Mayor Ronald D. Jarriel (Seat 1)
Councilman Tom Goltzené (Seat 5)
Councilman Ryan Liang (Seat 3)
Councilman Jim Rockett (Seat 2)

Town Manager William F. Underwood, II
Town Clerk Janet K. Whipple
Town Planning Consultant Jim Fleishmann
Town Attorney Michael D. Cirullo, Jr.

MINUTES

1. OPENING

a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 7:00 p.m. Present were Mayor David Browning, Vice-Mayor Ron Jarriel, Councilmen Ryan Liang and Jim Rockett. Also present were Town Manager Bill Underwood, Town Planning Consultant Jim Fleishmann, Town Attorney Mike Cirullo, and Town Clerk Janet K. Whipple. Councilman Goltzené was not present at this time.

b. Pledge of Allegiance & Invocation – Mayor Browning

Mayor Browning requested that prior to approval of the Agenda, Councilman Liang wished to say a few words.

Councilman Liang addressed accusations concerning his behavior on Council, which he would like to clear up. There was recently a sworn complaint to the Commission on Ethics on November 14th, and closed on January 30th, of which the summary was that he had not committed any ethics violation in Palm Beach County or Loxahatchee Groves. There was also an informal complaint back in 2012 which was also dismissed. He noted the case numbers for each.

Motion: Councilman Rockett made a motion to *Receive and File* documents presented by Councilman Liang. Vice-Mayor Jarriel seconded the motion. Upon vote, the motion passed 4/0.

c. Approval of Agenda

Motion: Councilman Liang made a motion to approve the agenda, as presented. Vice-Mayor Jarriel seconded the motion and requested to make a change to Item 7.b. – Resolution No. 2015-09 (Big Dog Ranch). Even though the resolution will be postponed to a date certain of April 7, 2015, he would like to discuss it tonight.

Town Attorney Cirullo stated 7.b. could remain on the agenda and it could be discussed at that time.

Upon vote, the motion passed 4/0.

2. CONSENT AGENDA

a. Minutes:

- **December 2, 2014** - Regular Town Council Meeting
- **December 16, 2014** – Regular Town Council Meeting

Motion: Councilman Rockett made a motion to approve the Consent Agenda as presented. Vice-Mayor Jarriel seconded the motion. Upon vote, the motion passed 4/0.

3. PUBLIC COMMENTS

Jeff Brophy, representing the Big Dog Ranch, requested postponement for the Big Dog Ranch - Item No. 7.b. Resolution No. 2015-09.

Keith Harris, 2580 C Road, addressed comments that had previously been made by Mayor Browning concerning Minto West Development, and that they were “spot on”. The Minto project is not conducive to the rural lifestyle. Mr. Harris also declared that he is running for Town Council, and he wants to protect the Town. Former Palm Beach County Commission Jess Santamaria has endorsed his candidacy.

Marge Herzog, 966 A Road, wanted to remind everyone that there will be a Candidate’s Forum on February 26, 2015, 7:00 p.m. at the Palms West Presbyterian Church (on Okeechobee Boulevard). She also asked if the Unified Land Development Code Committee (ULDC) could be re-evaluated in order to keep Town situations in balance.

Simon Fernandez, 14375, 14301 Okeechobee Boulevard, owner of approximately forty-five (45) acres located across from the proposed Big Dog Ranch site, stated he, as well as other residents, who are opposed to the development.

John Ryan, 3508 A Road, submitted a *Receive and File* document concerning the Big Dog Ranch even though the topic will not be on the Agenda this evening. He also has a payment in lieu of taxes agreement he thinks might benefit the Town.

Motion: Councilman Rockett made a motion to accept the *Receive and File* documents presented by Mr. Ryan. Vice-Mayor Jarriel seconded the motion. Upon vote, the motion passed 4/0.

4. PRESENTATIONS – NONE

5. COMMITTEE REPORTS - NONE

(Clerk note: For this meeting, the reading of ordinances will come before resolutions in order to keep proper protocol.)

6. ORDINANCES

a. ORDINANCE NO. 2013-09: QUASI JUDICIAL PUBLIC HEARING SECOND AND FINAL READING: *(Loxahatchee Groves Commons - Continued From 01/20/2015 Town Council Meeting.)*

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR THE REZONING OF LAND CONSISTING OF APPROXIMATELY 21.73 ACRES, MORE OR LESS, LOCATED AT THE NORTHWEST CORNER OF SOUTHERN BOULEVARD AND “B” ROAD, LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED AND AS DESIGNATED ON THE MAP ATTACHED AS EXHIBIT “A” TO THIS ORDINANCE, FROM LOXAHATCHEE GROVES ZONING DESIGNATION AGRICULTURAL RESIDENTIAL (AR) TO THE LOXAHATCHEE GROVES ZONING DESIGNATION COMMERCIAL LOW PLANNED UNIT DEVELOPMENT (CL/PUD); PROVIDING FOR THE APPROPRIATE REVISIONS OF THE ZONING DISTRICT MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo explained the Quasi-Judicial Procedure, and then read the title of Ordinance No. 2013-09.

Town Attorney Cirullo swore in those speaking during the Quasi-Judicial Public Hearing.

Bob Bentz, representing Atlantic Land Companies, addressed rezoning, and provided project history from the beginning, to date. He spoke on the 21.73 acres, which will be the Loxahatchee Groves Commons, and the plans for the development. He noted three (3) waivers had been presented, Council has already approved two (2) of them, and the Loxahatchee Groves Commons has spent 100% of their investment.

Joe Lelonek, also representing Atlantic Land Companies, spoke on the design of the paved portion of B Road. There are four (4) parties involved: The Town of Loxahatchee Groves, Atlantic Land Design, Solar Sport and Palm Beach State College. The Total cost will be funded by three (3) of those parties - the Town will not have to pay.

Council discussed with Mr. Lelonek a bigger picture on the entrance for B Road, continued ingress and egress at B Road and Southern Boulevard, vehicles stopping on the side of the road, stacking, and access for the Palm Beach State College entrance.

Jim Fleischmann, Town Planning Consultant, explained the staff reports for 6.a. 6.b. 7.a. Staff recommends approval of Ordinance No. 2013-09. He noted Staff supports the two (2) display areas on the west side of the complex but not on the south side. Referring to pages 5, 6, and 7, Mr. Fleischmann made corrections, and noted Staff approval.

Mayor Browning opened the Public Hearing at 7:52 p.m.

Dennis Lipp, speaking as Chair of the Planning & Zoning/LPA Board, recommends approval of the 2nd design. He feels we need to tighten up our Unified Land Development Codes (ULDC).

Mayor Browning closed the Public Hearing at 8:53 p.m.

Council discussed with Staff and representatives from Atlantic Land outdoor storage; whether it was a permanent display, and fence enclosures or a buffer around the storage area.

Town Attorney Cirullo stated the first step would be to accept the conditions.

Motion: Councilman Rockett moved to approve waiver allowing front storage area by applicants. Vice-Mayor Jarriel seconded the motion. Upon roll call vote, the motion passed 4/0.

Motion: Councilman Liang made a motion to approve Ordinance No. 2013-09, as amended. Councilman Rockett seconded the motion. Upon roll call vote, the motion passed 4/0.

b. ORDINANCE NO. 2013-10: QUASI JUDICIAL PUBLIC HEARING SECOND AND FINAL READING: *(Loxahatchee Groves Town Center - Continued From 01/20/2015 Town Council Meeting)*

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR THE REZONING OF LAND CONSISTING OF APPROXIMATELY 90.33 ACRES, MORE OR LESS, LOCATED AT THE NORTHEAST CORNER OF SOUTHERN BOULEVARD AND "B" ROAD, LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED AND AS DESIGNATED ON THE MAP ATTACHED AS EXHIBIT "A" TO THIS ORDINANCE, FROM LOXAHATCHEE GROVES ZONING DESIGNATION AGRICULTURAL RESIDENTIAL (AR) TO THE LOXAHATCHEE GROVES ZONING DESIGNATION MULTIPLE LAND USE PLANNED UNIT DEVELOPMENT (MLU/PUD); PROVIDING FOR THE APPROPRIATE REVISIONS OF THE ZONING DISTRICT MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo read the title of Ordinance No. 2013-10. He then swore in those who would speak during the Quasi-Judicial Hearing.

Susan Taylor, from Solar Sports, provided history on the Land Use Concept Plan. She is requesting to rezone, and continued to explain Parcel 1 – Commercial Use, Parcel 2 – Office Space. Parcel 3 - Assisted Care Facility, along with the buffer areas, equestrian bridge and Collecting Canal.

Jim Fleischmann, Town Planning Consultant, explained the Application Plan, Staff Report and history of the project. He noted Staff recommends approval of Ordinance No. 2013-10 with a few minor changes.

Mayor Browning opened the Public Hearing at 8:20 p.m.

Ken Johnson, 15409 Collecting Canal Road, suggested strengthening restrictions on size and description of signs, billboards, and flashing signs. The Town should look like the Rural Vista Guidelines.

Karen Piesley, 2201 D Road, asked about the equestrian area, location of parking, and road access.

Mayor Browning closed the Public Hearing at 8:24 p.m.

Motion: Councilman Liang made a motion to approve Staff recommendations to Ordinance No. 2013-10. Councilman Rockett seconded the motion. Upon roll call vote, the motion passed 4/0.

Motion: Councilman Liang made a motion to approve Ordinance No. 2013-10, as amended. Vice-Mayor Jarriel seconded the motion. Upon roll call vote, the motion passed 4/0.

7. RESOLUTIONS

- a. **RESOLUTION NO. 2015-05 QUASI JUDICIAL/PUBLIC HEARING:**
(Loxahatchee Groves Commons Site Plan – Continued from 01/20/2015 Town Council Meeting)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE LOXAHATCHEE GROVES COMMONS SITE PLAN, FOR LAND OWNED BY ERNEST G. SIMON, AS TRUSTEE OF TRUSTS “A” AND “B” U/W/O ALEXANDER ABRAHAM SIMON, CONSISTING OF 21.73 ACRES MORE OR LESS, LOCATED AT THE NORTHWEST CORNER OF SOUTHERN BOULEVARD AND “B” ROAD LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT “A” TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo read title of Resolution No. 2015-05, and noted this was a Quasi-Judicial Hearing on the Site Plan for the Loxahatchee Groves Commons. He swore in those who wish to speak during this Hearing.

Bob Bentz, Atlantic Land Companies, stated this was the same presentation as presented earlier.

Jim Fleischmann, Town Planning Consultant, noted this property could not be seen from Southern Boulevard, and he prefers a dense landscape. He provided background on all the technical qualities of the site plan, and noted the requirements they have been met.

There were no comments.

Mayor Browning closed the Public Hearing at 8:32 p.m.

Motion: Councilman Rockett made a motion to approve Resolution No. 2015-05. Councilman Liang seconded the motion. Upon roll call vote, the motion passed 4/0.

b. **RESOLUTION NO. 2015-09: QUASI JUDICIAL/PUBLIC HEARING:** (*Big Dog Ranch Special Exception & Site Plan Approval*)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE BIG DOG RANCH SPECIAL EXCEPTION AND SITE PLAN, FOR LAND OWNED BY TLH 25 VILLA, LLC CONSISTING OF 33.16 ACRES MORE OR LESS, LOCATED AT THE SOUTHEAST CORNER OF OKEECHOBEE BOULEVARD AND “D” ROAD LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT “A” TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: Councilman Liang made a motion to postpone Resolution No. 2015-09 to a date certain of April 7, 2015. Councilman Rockett seconded the motion.

Town Attorney Cirullo read the title of Resolution No. 2015-09 and stated he will swear anyone in who wishes to speak.

Jeff Brophy, representing Big Dog Ranch, requested a postponement for discussions on Resolution No. 2015-09 until a future meeting.

Council discussed Big Dog Ranch being a good project but felt there might be noise issues; the possibility of re-locating the project to Southern Boulevard; the 501c3 aspect of the project and how it would contribute to the Town.

Members of the audience also expressed their concerns on screening, location, noise levels, and the placement of the project within the Town’s residential area, as well as their appreciation of the animal rescue factor.

Upon vote, the motion passed 4/0.

c. **RESOLUTION NO. 2015-08:** *(B Road Agreement)*

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE B ROAD IMPROVEMENT AGREEMENT BETWEEN THE TOWN OF LOXAHATCHEE GROVES, LOXAHATCHEE EQUESTRIAN PARTNERS AND SOLAR SPORTSYSTEMS, INC., ATLANTIC LAND INVESTMENTS, LLC, AND PALM BEACH STATE COLLEGE, RELATING TO IMPROVEMENTS TO B ROAD FROM SOUTHERN BOULEVARD TO OKEECHOBEE BOULEVARD; AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE THE AGREEMENT; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Town Attorney Cirullo explained the funding for B Road resurfacing will be provided by others, not the Town. He reviewed the numbers and changes made to the agreement. Mr. Cirullo then read the title of Resolution No. 2015-08.

Motion: Vice-Mayor Jarriel made a motion to approve Resolution No. 2015-08. Councilman Liang seconded the motion.

Council had questions, and discussed getting the engineers/surveyors to get the drainage plans in on time (three engineers had been selected and will be sent Request for Proposals (RFP's)); along with other products besides the OGEM.

Members of the audience requested for strong development, legitimate contractors present their product to Council; speed humps/tables; and Palm Beach County Sheriff's (PBSO) enforcement.

Upon roll call vote the motion passed 4/0.

d. **RESOLUTION NO. 2015-11:** *(Purchase of Chamber of Commerce Land from Palm Beach County for \$20,000, plus closing costs.)*

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING AND AUTHORIZING THE PURCHASE OF REAL PROPERTY FROM PALM BEACH COUNTY, AS DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, IN THE AMOUNT OF TWENTY THOUSAND DOLLARS (\$20,000.00), SUBJECT TO COMPLETION BY THE TOWN OF CERTAIN DUE DILIGENCE, AND TO DEED RESTRICTIONS ON THE USE OF THE PROPERTY, FUTURE SALE, AND RESERVATION OF CERTAIN MINERAL RIGHTS BY THE COUNTY; AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO TAKE ALL ACTIONS NECESSARY TO CLOSE THE TRANSACTION; PROVIDING FOR CONFLICT,

SEVERABILITY, AND AN EFFECTIVE DATE.

Town Manager Underwood provided background on the Chamber Land Sale.

Town Attorney Cirullo read the title of Resolution No. 2015-11.

Town Manager Underwood noted the environmental assessment is clean.

Motion: Councilman Liang made a motion to approve Resolution No. 2015-11. Vice-Mayor Jarriel seconded the motion. Upon roll call vote the motion passed 4/0.

- e. **RESOLUTION NO. 2015-12** (*Purchase of Palms West Chamber of Commerce Building for \$460,000, plus closing costs.*)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE AGREEMENT FOR PURCHASE AND SALE OF OFFICE BUILDING BETWEEN THE TOWN OF LOXAHATCHEE GROVES AND THE PALMS WEST CHAMBER OF COMMERCE; AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE THE AGREEMENT AND TO TAKE ALL ACTIONS NECESSARY TO CLOSE THE TRANSACTION; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Town Manager Underwood provided background for the Chamber Building purchase.

Town Attorney Cirullo read the title of Resolution No. 2015-12.

Motion: Councilman Rockett made a motion to approve Resolution No. 2015-12, along with the wire transfer. Councilman Liang seconded the motion. Upon roll call vote, the motion passed 4/0.

Comments from the Council and members of the audience ensued.

8. MANAGER'S REPORT – Town Manager Underwood

- a. Agenda Item Report (AIR) - Updates on various activities and issues concerning the Town.

Town Manager Underwood reviewed his items on the Agenda Item Report.

Mayor Browning requested putting the flood map issue on another agenda.

It was the Consensus of Council to have Town Manager Underwood gather as much information as possible in order that the company he chooses will have the ability to commence work immediately.

Town Manager Underwood requested Council authorization to take necessary action to get the work on the Chamber Building expedited, and ratification to proceed with the incidentals.

Motion: Councilman Rockett made a motion for Council to authorize Town Manager Underwood to take necessary action to expedite matters concerning the Chamber Building. Councilman Liang seconded the motion. Upon vote, the motion passed 4/0.

b. Palm Beach County Sheriff's Office (PBSO), District 15, Monthly Report for January 2015, on file.

c. Palm Beach County Fire Rescue Report January 2015, on file.

Mayor Browning called for a break, 9:34 p.m. to 9:43 p.m.

d. New Business Item: Discussion of RV's/ Trailers – The Town is experiencing a significant influx of unauthorized living units throughout the Town.

Town Manager Underwood reported that some residents are not paying their fair share of waste removal. He suggested the Town should conduct a sweep

Council discussed the lack of a sweep in the Town's agreement (with Waste Pro), and whether they were in favor of a sweep, or not; illegal dumping from Wellington; health and fire issues; lack of proper permitting; doing a sweep for RV's only, and taking action immediately after identifying the problem areas; working with Palm Beach County to see how they handle problems such as this; bringing back the Unified Land Development Code (ULDC) Committee; concentrate on RV parks and trailer storage; improper septic systems; excessive amount of trailers; and coordinating with the Health Department or any other agency to help take care of this problem.

Members of the audience also expressed their concerns.

Town Attorney Cirullo provided a few allowable examples, and stated he would work with Town Manager Underwood for a solution.

Mayor Browning noted some of the Town residents are afraid to report their neighbors who are in violation. Maybe the Town should pursue.

Vice-Mayor Jarriel felt the Town did not need to conduct a sweep. He will come into the Town Hall office tomorrow to file a complaint.

Motion: Vice-Mayor Jarriel made a motion to have Town Manager Underwood take care of the problems at 1666 C Road. Councilman Liang seconded the motion. Upon vote, the motion passed 4/0.

Town Manager Underwood, after discussion with Council, will put on the next Town Council Agenda whether or not a Code Enforcement Officer can conduct an assessment throughout the Town.

Motion: As the time was getting late, Councilman Rockett made a motion to extend the meeting past 10:30 p.m. Councilman Liang seconded the motion. Upon vote, the motion passed 4/0.

- e. Old Business Item: Discussion on the Okeechobee Boulevard Corridor – The Town needs to approve a modified Comprehensive Plan, Land Use and Zoning for the Okeechobee Boulevard Corridor.

Town Manager Underwood requested a \$14,850 Work Authorization for the Okeechobee Boulevard Corridor.

Motion: Councilman Rockett made a motion to authorize a \$14,850 Work Authorization for the Okeechobee Boulevard Corridor. Councilman Liang seconded the motion. Discussion by Council.

Upon vote, the motion passed 4/0.

9. COUNCIL REPORTS

- a. Mayor Browning

Mayor Browning had no further comments.

- b. Vice-Mayor Jarriel

- Discussion of Loxahatchee Groves Water Control District (LGWCD) Interlocal Agreement (ILA).

Vice-Mayor Jarriel stated he was disappointed the survey maps had not been completed. He complimented Staff for their work on the Chamber Building/Land project; and hopes The Town will come to a conclusion on the Interlocal Agreement with the Loxahatchee Groves Water

Control District. He wished everyone a safe trip home; we had a good turnout tonight, and he thanked them for staying.

c. Councilman Goltzené

Not present this evening.

d. Councilman Liang

Nothing to report at this time.

e. Councilman Rockett

On the next agenda Councilman Rockett requested to put on the next agenda, consideration to send \$5,000 to the Western Community Council for a lobbyist concerning the State Road 7 Extension. There were four (4) goats, killed in one night due to coyotes; he would like Council take some action.

Council discussed coyote trapping versus a bounty.

Councilman Rockett mentioned the safety of the four-way stop at Collecting Canal Road and C Road. Apparently the signs were installed by the previous town Manager per a request from a Town Council Member. This had not come before Council. He would like that intersection to revert to regular stop signs. Also Gruber and C Road.

It was the consensus of Council Consensus to remove the four (4) way stop signs at C Road and Gruber.

10. CLOSING COMMENTS

Public

Phyllis Maniglia, 359 West D Road, commented on the turning range at B Road and Collecting Canal Road. She hopes that once the big plaza is built the road can be widened in order to accommodate large vehicles. She hopes no Publix is going into the shopping center, and noted that election time is here and everyone has their signs out. Remember this is an equestrian community and some of the flag type signs are scaring the horses. Please be careful where the signs are placed.

Marge Herzog, 966 A Road, suggested someone from Town Hall come to the Candidate's Forum and explain the referenda that will be on the municipal election ballot.

Town Manager Underwood will put together a brief explanation of what each referendum states in layman's terms.

Mrs. Herzog also referenced topics of interest to go before the Unified Land Development Code

(ULDC) Board, if it is reconvened.

Virginia Standish, 15410 North Road, glad health and safety was a concern. She emphasized the importance of HAZMAT management if a vehicle goes into the canal, and that the Palm Beach County Sheriff (PBSO) and Fire Rescue should call HAZMAT as a precautionary measure.

Town Attorney

Town Attorney Cirullo state that he had no report as it was late.

Town Council Members

Councilman Rockett commented that comments should not be directed to individual Council Members. He spoke of the three roads we paved, and thanked all that took the time to be here tonight.

Councilman Liang thanked everyone for sticking it out. He liked the 8:00 p.m. meetings instead of 11:00 p.m., wished everyone a Happy Valentine's Day, and noted it would soon be his birthday.

Vice-Mayor Jarriel stated is was Standard Operating Procedure for HAZMAT to come out. He thanked everyone for coming.

Mayor Browning also thanked everyone for coming, and felt a lot had been accomplished. He knew it was a long meeting but again thanked everyone for sticking it out.

ADJOURNMENT

There being no further business to come before the Town Council, Mayor Browning adjourned the meeting at 10:50 p.m.

Janet K. Whipple, Town Clerk

David Browning, Mayor

These minutes were approved during the April 21, 2015 Town Council Meeting



Item 6.a.

RESOLUTIONS

Resolution No. 2015-13 - FAAC Board Appointments

Town of Loxahatchee Groves, FLORIDA
Town Council
AGENDA ITEM REPORT
AGENDA ITEM No. 6.a.

MEETING DATE: 04/21/2015

PREPARED BY: William F. Underwood, II, Town Manager

SUBJECT: Appointment of Finance Advisory And Audit Committee (FAAC) Members

1.BACKGROUND/HISTORY

Problem Statement: The Town Council must appoint members to the FAAC.

Problem Solution: Town Council provides names of appointees.

At the April 7, 2015, meeting of the Town Council, the Council was advised that it is time to appoint members to the FAAC for the next year.

2.CURRENT ACTIVITY

Town Council recommends appointees to the committee.

3.ATTACHMENTS

Resolution No. 2015-13
Current Board Members

4.FINANCIAL IMPACT

N/A

5.RECOMMENDED ACTION

1. A motion accepting the recommend Town Council appointees.
2. A motion adopting resolution 2015 - 13 appointing the membership of the FAAC membership.

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2015-013

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
LOXAHATCHEE GROVES, FLORIDA, APPOINTING**

_____, _____,
_____, _____,

**AND _____, AS VOTING
MEMBERS OF THE FINANCE ADVISORY AND AUDIT COMMITTEE,
TO SERVE TERMS OF ONE (1) YEAR; PROVIDING FOR
AMENDMENT OF SECTION 2(I)(E) OF RESOLUTION 2009-014, TO
PROVIDE FOR TERMS OF VOTING MEMBERS TO BE ONE (1) YEAR;
PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE
DATE.**

WHEREAS, Resolution 2009-014 established the Town's Finance Advisory and Audit Committee (FAAC), and provided for terms of voting members to run concurrently with the term of the appointing Council Member; and,

WHEREAS, the Town Council finds it in the best interest to appoint voting members of the FAAC for terms of one (1) year, and to make such appointments for the upcoming year.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE
TOWN OF LOXAHATCHEE GROVES, FLORIDA, THAT:**

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution.

Section 2. The Town Council hereby appoints the following persons to serve as voting members of the Town's Finance Advisory and Audit Committee (FAAC) for a term of one (1) year:

Mayor David Browning appoints _____.

Vice-Mayor Ron Jarriel appoints _____.

Council Member Tom Goltzené appoints _____.

Council Member Ryan Liang appoints _____.

Councilmember Jim Rockett appoints _____.

Section 3. Section 2(I)(E) of Resolution 2009-014 is amended to provide that voting members of the Committee shall serve terms of one (1) year.

Section 4. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 6. This Resolution shall become effective immediately upon its passage and adoption.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS ____ DAY OF APRIL, 2015.

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

ATTEST:

Mayor David Browning

Janet Whipple, Town Clerk

Vice-Mayor Ron Jarriel

Council Member Tom Goltzené

APPROVED AS TO LEGAL FORM:

Council Member Ryan Liang

Office of the Town Attorney

Council Member Jim Rockett



FINANCE ADVISORY & AUDIT COMMITTEE 2014-2015

**Established May 19, 2009 by Resolution 2009-008,
Amended July 21, 2009 by Resolution 2009-014
Committee Meets the 4th Monday of Each Month**

Town Council Liaison: Councilman Ryan Liang Appointed 6/09

Virginia Standish, Chair

308-6913

15410 North Road

vstandish@att.net

Seat 5 (Tom Goltzene) Appointed Chair 4/27/14

Cheryl Miller, Vice Chair

267-8563

1271 Kazee Road

artofpalm@bellsouth.net

Seat 2 (Jim Rockett) Appointed as Vice Chair 4/27/14

Ken Johnson

793-0188

15409 Collecting Canal Road

Klj0188@aol.com

Seat 4 (Dave Browning) Appointed 2/5/13

Lung Chiu

719-1498

3270 B Road

434-7335 work

klchiu8@gmail.com

Seat 1 (Ron Jarriel) Appointed 4/23/12

Anita Kane

13720 North Road

561-753-6563

a.kane@1educationplace.com

753-2098 FAX

Seat 3 (Ryan Liang) Appointed 09/02/2014

Updated 04/10/2015



Item 6.b.

RESOLUTIONS

Resolution No. 2015-14 – RETGAC Board Appointments

Town of Loxahatchee Groves, FLORIDA
Town Council
AGENDA ITEM REPORT
AGENDA ITEM No. 6.b.

MEETING DATE: 04/21/2015

PREPARED BY: William F. Underwood, II, Town Manager

SUBJECT: Appointment of Roadway, Equestrian Trails and Greenway Advisory Committee (RETGAC) Members

1.BACKGROUND/HISTORY

Problem Statement: The Town Council must appoint members to the RETGAC.

Problem Solution: Town Council to provide names of appointees.

At the April 7, 2015, meeting of the Town Council, the Council was advised that it is time to appoint members to the RETGAC for the next year.

2.CURRENT ACTIVITY

Town Council recommends appointees to the committee.

3.ATTACHMENTS

Resolution No. 2015- 14
Current Board Members

4.FINANCIAL IMPACT

N/A

5.RECOMMENDED ACTION

1. A motion accepting the recommend Town Council appointees.
2. A motion adopting resolution 2015-14 appointing the membership of the RETGAC membership.

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2015-14

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
LOXAHATCHEE GROVES, FLORIDA, APPOINTING**

_____, _____,
_____, _____,

**AND _____, AS VOTING
MEMBERS OF THE ROADWAY, EQUESTRIAN TRAILS AND
GREENWAY ADVISORY COMMITTEE, TO SERVE TERMS OF ONE
(1) YEAR; PROVIDING FOR AMENDMENT OF SECTION 2(I)(E) OF
RESOLUTION 2011-005, AMENDED BY RESOLUTION 2015-014 TO
PROVIDE FOR TERMS OF VOTING MEMBERS TO BE ONE (1) YEAR;
PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE
DATE.**

WHEREAS, Resolution 2011-005 established the Town's Roadway, Equestrian Trails and Greenway Advisory Committee (RETGAC), and provided for terms of voting members to run concurrently with the term of the appointing Council Member; and,

WHEREAS, the Town Council finds it in the best interest to appoint members of the RETGAC, for terms of one (1) year, and to make such appointments for the upcoming year.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE
TOWN OF LOXAHATCHEE GROVES, FLORIDA, THAT:**

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution.

Section 2. The Town Council hereby appoints the following persons to serve as voting members of the Town's Roadway, Equestrian Trails and Greenway Advisory Committee (RETGAC) for a term of one (1) year:

Mayor David Browning appoints _____.

Vice Mayor Ron Jarriel appoints _____.

Council Member Tom Goltzené appoints _____.

Council Member Ryan Liang appoints _____.

Councilmember Jim Rockett appoints _____.

Section 3. Section 2(I)(E) of Resolution 2011-005, as amended by Resolution 2015-14, is amended to provide that voting members of the Committee shall serve terms of one (1) year.

Section 4. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 6. This Resolution shall become effective immediately upon its passage and adoption.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS ____ DAY OF APRIL, 2015.

TOWN OF LOXAHATCHEE GROVES, FLORIDA

ATTEST:

Mayor David Browning

Janet Whipple, Town Clerk

Vice-Mayor Ron Jarriel

Council Member Tom Goltzené

APPROVED AS TO LEGAL
FORM:

Council Member Ryan Liang

Office of the Town Attorney

Council Member Jim Rockett

{00069845.1 1574-0702400 }



ROADWAY, EQUESTRIAN TRAILS AND GREENWAY ADVISORY COMMITTEE 2014 - 2015

Established May 17, 2011, by Resolution 2011-005
Committee Meets 4th Wednesday of Each Month

Town Council Liaison: Councilman Tom Goltzené (appointed 4/17/12)

Nina Corning

2834 E Road

309-8200

n.greenway@aol.com

Seat 1 (Ron Jarriel) Appointed 6/21/11

Appointed as Chair 4/10/12

Kathy Strehlow

3636 D Road - PO Box 1103

793-5430

kstreh@comcast.net

707-0804 (c)

Seat 2 (Jim Rockett) Appointed 8/2/11

Appointed as Vice Chair 4/10/12

Keith Harris, Chair

2580 C Road

(305) 360-7091

kharris@plantationconstruction.com

Removed by Councilman Liang

Seat 3 (Ryan Liang) Appointed 9/17/13

11/04/2014 – then reinstated

Jo Siciliano, Vice Chair

1530 B Road

427-9414 (c)

Sicilianobarn13@gmail.com

223-3263(h)

Seat 5 (Tom Goltzené) Appointed 9/17/13

Laura Danowski

(561) 889-2344

1032 E Road

ljdanowski@msn.com

Seat 4 (Mayor Browning) Appointed 6/25/2014

Updated 4/16/2015



Item 6.c.

RESOLUTIONS

Resolution No. 2015-09 – Big Dog Ranch

Town of Loxahatchee Groves, FLORIDA

Town Council AGENDA ITEM REPORT

AGENDA ITEM NO. 6.c.

MEETING DATE: April 21, 2015

PREPARED BY: Jim Fleischmann, Town Planning Consultant

SUBJECT: Proposed Special Exception and Site Plan SP 2014-01 Approval for Big Dog Ranch

1.BACKGROUND/HISTORY

Problem Statement: The applicant has requested Special Exception and Site Plan approval for Big Dog Ranch on an acre property located at the southeast corner of Okeechobee Boulevard and “D” Road. The Future Land Use Designation of the Property is Rural Residential 5 (RR 5) and the zoning designation is Agricultural Residential (AR). Rescued Animal Care Facilities are permitted uses in the AR District, subject to receiving Special Exception approval and compliance with Section 80-60 (Conditional Use criteria for Rescued Animal Care Facilities).

Big Dog Rescue is a non-profit 501(c) (3) corporation which intends to develop a no-kill facility to accept adoptable dogs from high-kill shelters throughout the southeast United States. Dogs will be rehabilitated, medically treated and sheltered until they are adopted, or permanently sheltered on-site due to age. The facility will also accept dogs directly from owners who can no longer care for them and offer emergency care services to the community at large.

The 59.774 sq. ft. facility is to be developed on 33.16 acres at a floor-area-ratio (F.A.R.) of 0.0414.

Problem Solution: Consider approval of Resolution 2015-09, including the Conditions of Approval.

2.CURRENT ACTIVITY

The PZB at its meeting on January 22, 2015 discussed application SP 2014-01 and recommended approval by a 5 – 0 vote subject to the following additions/revisions to the Conditions of Approval:

1. The location of 0.99 acres of Preserve Area shall be identified on the Final Site Plan and included in the Phase 1 improvements.
2. A continuous solid opaque hedge, a minimum 4-feet high at installation, shall be required around the perimeter of the entire 33.16 acre property. All hedging shall be included as part of the Phase 1 improvements and permanently maintained at a height of 6-feet.
3. A minimum 6-foot high vinyl chain-link fence enclosing Phase 1, 2 and 3 facilities shall be included as part of the Phase 1 improvements.
4. The swing gates along D Road shall be located a minimum of 35 feet from the western property line.

The Applicant held an open workshop on March 24, 2015 at the Central Western Palm Beach County Chamber of Commerce. The purpose of the workshop was to provide Town residents with the opportunity to review proposed development plans, meet the development team and ask questions.

The Applicant requested and received a two-week postponement of consideration of the proposed site plan to April 21, 2015 by the Town Council at its April 7, 2015 town Council meeting

3 ATTACHMENTS

1. Staff Report Special Exception and SP Application 2014-01
2. Resolution 2015-09
3. Ordinance No. 2013-03
4. Section 170-025 ULDC

4.FINANCIAL IMPACT

Application SP 2014-01 is funded by the Applicant through the Town's Cost Recovery System.

5.RECOMMENDED ACTION

Approval of Resolution 2015-09.

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2015-09

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE BIG DOG RANCH SPECIAL EXCEPTION AND SITE PLAN, FOR LAND OWNED BY TLH 25 VILLA, LL CCONSISTING OF 33.16 ACRES MORE OR LESS, LOCATED AT THE SOUTHEAST CORNER OF OKEECHOBEE BOULEVARD AND “D” ROAD LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT “A” TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council, as the governing body of the Town of Loxahatchee Groves, Florida (“Town”), pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider applications relating to special exceptions and site plans for development on property within the Town; and

WHEREAS, the Council, pursuant to Article 2 (Development Review Process) of the Town of Loxahatchee Groves Unified Land Development Code is authorized and empowered to consider, approve, approve with conditions or deny special exceptions and site plans; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 of the Town of Loxahatchee Groves Unified Land Development Code have been satisfied; and

WHEREAS, the Town Planning and Zoning Board (P&Z Board), at its meeting of January 22, 2015 recommended approval of the Big Dog Ranch Special Exception and Site Plan Application SP 2014-01; and

WHEREAS, the Big Dog Ranch Site Plan Application SP 2014-01, was presented to the Town Council at a quasi-judicial public hearing conducted on April 22, 2015; and

WHEREAS, the Town Council has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of Town staff and Town P&Z Board; and

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the Town of Loxahatchee Groves Unified Land Development Code (Town ULDC) and other provisions requiring that development commence in a timely manner.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Loxahatchee Groves as follows:

Section 1. Each “WHEREAS” clause set forth above is true and correct and herein incorporated by this reference.

Section 2. The Town Council has considered the findings in the staff report dated April 14, 2015 and Town Planning and Zoning Board recommendation and makes the following findings of fact:

1. The Special Exception and Site Plan are consistent with the purposes, goals, objectives and policies of the Town of Loxahatchee Groves Comprehensive Plan, including standards for building and structural intensities and intensities of use.
2. This Site Plan as presented in Exhibit B hereto, complies with relevant and appropriate portions of applicable Town of Loxahatchee Groves land development regulations, including Section 8-060 "*Rescued Animal Care*", Article 155 "*Site Plans*", and Article 170 "*Special Exceptions*". This Site Plan, along with the Statement of Use, as adopted and presented in Exhibit C, and Conditions of Approval, as adopted and presented in Exhibit D hereto, complies with standards imposed on it by all other applicable provisions of the Town ULDC. The Town Council finds the conditions, as presented in Exhibit D hereto, to be reasonable, and rationally related to the proposed development, and consistent with the Town's character.
3. This Site Plan and Statement of Use, as presented in Exhibit B and Exhibit C hereto, along with Conditions of Approval, as adopted and presented in Exhibit D hereto, are compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
4. The proposed design, with Conditions of Approval as adopted and presented in Exhibit D hereto, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. This Site Plan and Statement of Use, as presented in Exhibit B and Exhibit C hereto, along with Conditions of Approval, as adopted and presented in Exhibit D hereto, minimize environmental impacts, including but not limited to water, air, storm water management, wildlife, vegetation, wetlands, noise and the natural functioning of the environment.
6. This Site Plan and Statement of Use, as presented in Exhibit B and Exhibit C hereto, along with Conditions of Approval, as adopted and presented in Exhibit D hereto, will result in logical, timely and orderly development patterns.

Section 3. The Town of Loxahatchee Groves Unified Land Development Code requires that the action of the Town Council of Loxahatchee Groves be adopted by resolution. Therefore, the Town Council of the Town of Loxahatchee Groves approves the Big Dog Ranch Special Exception and Site Plan SP 2014-01 for the parcel of land legally described in Exhibit A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in Exhibit A, attached hereto and made a part hereof. A copy of the Site Plan, and Statement of Use, subject to the approved Conditions of Approval presented in Exhibit D, are attached hereto as Exhibits B and C and made a part hereof.

Section 4. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 6. This Resolution shall become effective upon adoption.

RESOLVED AND ADOPTED by the Town Council of the TOWN OF LOXAHATCHEE GROVES, Florida this 21 day of April, 2015.

ATTEST:

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

TOWN CLERK

Mayor David Browning

APPROVED AS TO LEGAL FORM:

Vice Mayor Ron Jarriel

Town Attorney

Council Member Jim Rockett

Council Member Ryan Liang

Council Member Tom Goltzene

EXHIBIT A

LEGAL DESCRIPTION AND LOCATION MAP

The following Legal Description is applicable to Resolution 2015-09:

Parcel Control Numbers: 41-41-43-17-01-411-0010
41-41-43-17-01-409-0010

PARCEL I:

TRACT 11, BLOCK D, "LOXAHATCHEE GROVES", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 12, PAGE 29 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL II:

TRACT 9, BLOCK D, "LOXAHATCHEE GROVES", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 12, PAGE 29 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING: 1,444,527 SQUARE FEET OR 33.162 ACRE, MORE OR LESS, SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHT OF WAY OF RECORD.

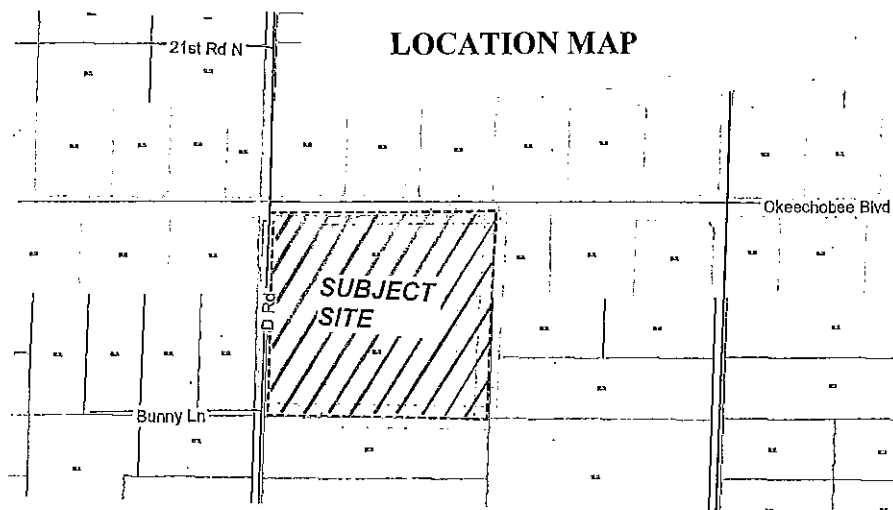


EXHIBIT B

**BIG DOG RANCH FINAL SITE PLAN 2014-01
(Refer to the following page)**

EXHIBIT C
BIG DOG RANCH FINAL SITE PLAN: SP 2014-01
APPLICANT'S STATEMENT OF USE

REQUEST

On behalf of the Petitioner, Land Design South, a division of WGI, Inc., is requesting:

- **Special Exception Approval** to allow a Rescued Animal Care facility.
- **Site Plan Approval** to allow a Rescued Animal Care facility.

SITE CHARACTERISTICS & SURROUNDING PROPERTIES

The subject property is located on the southeast corner of Okeechobee Boulevard and D Road, in the Town of Loxahatchee Groves. The site is currently zoned Agricultural Residential (AR) and has a Future Land Use designation of Rural Residential – one dwelling unit per 10 acres (RR-10). The subject site, which is approximately 33.16 acres in size, is vacant land. The property has access from both Okeechobee Boulevard and D Road.

Development History

There are no prior development approvals on this site.

Surrounding Uses

A breakdown of the surrounding uses is provided below.

North: to the north of the subject site is Okeechobee Boulevard. On the north side of Okeechobee Boulevard is vacant land, which has a FLU designation of RR-10 and a Zoning District of AR.

West: to the west of the subject site is D Road. On the west side of D Road is vacant land, which has a FLU designation of RR-10 and a Zoning District of AR.

East: to the east of the subject site is vacant land, which has a FLU designation of RR-10 and a Zoning District of AR.

South: to the south of the subject site is vacant land, which has a FLU designation of RR-10 and a Zoning District of AR. It is important to note that, there are no residential units that abut the southern end of the subject site.

DEVELOPMENT PROPOSAL

The development proposal includes the construction of a Rescue Animal Care facility, proposed to be constructed within a singular phase. Big Dog Ranch Rescue is a non-profit 501c3, no-kill dog rescue facility. The facility takes in adoptable dogs from high-kill shelters, rehabilitates them, medically treats each of the animal's needs, spays and neuters them, and provides a medium for loving homes to adopt each dog. The facility also accepts dogs directly from owners who can no longer care for their pets.

The following is a summary of the uses associated the proposed development:

Animal Housing Building (4 wings)

This building includes a covered pavilion in the center of the structure with four (4) wings each measuring approximately 4,992 square feet in size. The total size of the structure is 19,968 square feet. The structure is proposed to feature four (4) fenced in areas, of which one (1) is for small dogs,

one (1) is for medium dogs and two (2) are for large dogs. Kennel techs provide daily care, feeding, cleaning, and exercise to the dogs and puppies. There is an agility course located to the southeast of the building. The dogs are separated from other areas by an opaque fence which prevents dogs from viewing those outside the play area, thereby reducing the barking of the dogs.

Veterinary Clinic

There is a 4,000 square foot veterinary clinic proposed along the northern portion of the site. The medical personnel for this clinic consists of veterinary technicians and a licensed Veterinarian, who provide medical treatment as needed such as surgeries, spaying/neutering and vaccinations to the dogs at the facility. The facility's plan is to offer low cost evening and weekend emergency care to dogs during times of crisis. The facility will also have a summer internship program for veterinarians coming out of college.

Main Visitor Center

There is a 4,500 square foot visitor building proposed at the northern portion of the site. The visitor building is where potential adopting families enter the facility and are greeted by personnel. The building also houses the facility's director, developmental director, volunteer coordinators, and adoption counselors.

Intake Building

There is a 2,728 square foot intake buildings proposed at the northwest portion of the site. All of the dogs brought to this facility are taken in at this building. The dogs are accessed by the licensed veterinarian and are then kept for several weeks under quarantine as a means to ensure that they are well. They are then medically treated for possible illnesses until they are ready to enter the general population of rescued animals.

Puppy Land

There are ten (10) puppy pods proposed, which are approximately 168 square feet each (for a total of 1,680 square feet) plus a 168 square foot support building. The pregnant and/or nursing dogs are housed here with their puppies. Each individual pod measures 12' x 14' in size, to keep the dogs in a healthy, stress-free environment until the puppies are old enough to be adopted.

Maintenance Building

There is a 1,000 square foot maintenance building at the west side of the site. The facility's equipment, tools and maintenance supplies are kept within this building.

Caretaker House

There is a 2,720 square foot caretaker residence proposed to be located between the puppy pods and the boarding dog housing along the north side of the site. The building is for the live-in, onsite night manager who provides security, medical watch and supervision on the dogs throughout each night.

Weimaraner World

There is a 4,024 square foot building proposed as Weimaraner World. This building will provide specialized care and housing for Weimaraners or other breeds of dogs that suffer from separation anxiety. This building will have living quarters for a full-time kennel staff as well as outside play areas.

Senior Sanctuary

There is a 3,556 square foot Senior Sanctuary building proposed at the northeastern corner of the lake. This building will house the senior dogs that are too old to have a chance for adoption or have medical issues that prohibit chances for adoption. There will be a kennel tech living with them at all times.

Education Center

There is a 7,500 square foot education center, proposed at the southwest portion of the site. The center will be used for educational classes for school age children with weekly training classes for newly adopted dogs and fund raising events to benefit the rescue.

Boarding/Housing Building

There is a 7,930 square foot building proposed to be utilized as boarding/housing, at the northeastern corner of the property. The building will house the guest dogs that need to be boarded. It is important to note that, a discounted rate is provided to individuals who adopt dogs from the facility, as well as for our men and women who have to leave their dog behind while serving our country in the military.

A 1.50 acre lake tract area is proposed within the southern half of the site. Along the eastern and western edges of the lake, two preserve areas totaling 1.0 acres is proposed as a means to further mitigate external impacts to adjacent properties.

Note that gates are proposed along Okeechobee Boulevard and along D Road. The gate along Okeechobee Boulevard will be open from 7am to 6pm and can be accessed after hours by managerial and veterinary staff. The gates along D Road will be closed at all times, unless a delivery is being made.

SPECIAL EXCEPTION

The proposed Rescued Animal Facility is located within the AR zoning district. Pursuant to Section 20-015, Permitted Uses, a Rescued Animal Facility is permitted with a Special Exception application. It is important to note that accessory dwelling units and caretaker's quarters are permitted by right.

Section 170-025.A lists review standards for Special Exceptions. The development proposal meets all ten (10) review standards, as outlined below.

- 1. That the use will not cause a detrimental impact to the value of existing contiguous uses, uses in the general area, and to the zoning district where it is to be located.**

The proposed use as a Rescued Animal Facility will not cause a detrimental impact to the value of surrounding uses within the area. To the contrary, the proposed facility will provide much needed services to the local community by providing animal care and boarding options at a reduced cost, as well as providing educational opportunities for residents. The petitioner is aware of the concern from surrounding neighbors as to the perceived negative impact the new facility will have.

That is why in addition to the minimum requirements set forth in the Loxahatchee Groves code, additional conditions of approvals have been agreed to in order to mitigate any concerns regarding impact on property value. The main concern as it relates to the property value seems to be the perception that the dogs housed on the property will cause excessive barking and smells.

As it relates to barking, many systems have been put in place to mitigate for the sound. The first is that Big Dog Ranch is proposed to be built on over 33 acres in order to allow for large setbacks from adjacent properties, especially single family homes. The closest residential structure will be approximately 750 feet (2.5 football fields roughly) from any proposed fence or structure of Big Dog Ranch. The 750 foot separation will be open area, landscape as well as a proposed dense landscape buffer with security fence. The property to the south is an existing nursery, and while the setbacks are even larger to this property we have taken into account comments from this neighbor to redesign the site and place the majority of the proposed dog housing along Okeechobee Blvd. By placing the dog housing and services closer to Okeechobee Blvd this will further increase the separation from adjacent properties.

Also in regards to noise the buildings will be designed in order to fully mitigate the sound of the dogs while they are indoors. Please see the submitted sound study and the suggested design techniques for the structures. The applicant has accepted conditions of approval that will require the buildings to be constructed as per these suggestions. In addition, outdoor dog runs will be screened with opaque fences so dogs within the runs cannot see other dogs outside the runs, removing their instinctive nature to bark. The buildings will also be designed to meet the suggestions from the Loxahatchee Groves Rural Vista Guidelines.

In regards to the concern of odors, Big Dog Ranch has put forth a system for waste removal. The new kennel facility will be equipped with built in pressure washers and drains that will tie directly into the sewer system. All fecal matter and urine from inside the buildings will be sprayed into those drains. The drains will be periodically flushed into the sewer system. In addition to timed flushes the drains will also be equipped with a means to override the system and flush with the push of a button on demand. Big Dog Ranch will also be using various kennel cleaners and sanitizing agents each day to ensure the cleanliness of our facility and the health of the dogs.

"DogiPot" Stations, which are covered metal trash cans with a supply of empty smaller bags attached, will be placed strategically around the property. Fecal matter, picked up outside, will be placed into smaller individual bags then placed into the "DogiPot" receptacles. Larger trash bags within the stations will be collected up to four times throughout the day by Big Dog staff. The larger bags will then be placed in covered trash dumpsters. Dumpsters will be emptied, and removed from the property, by waste management a minimum of three times per week. Volunteers and staff are all trained to pick up any fecal matter immediately and not leave it laying on the ground.

- 2. That the use will be compatible with the existing uses on contiguous property, with uses in the general area and zoning district where the use is to be located and compatible with the general character of the area, considering population density, design, scale and orientation of structures to the area, property values and existing similar uses or zoning.**

The proposed use as a Rescued Animal Facility is compatible with the existing uses located on contiguous properties, in the general area and within the zoning district. To the immediate north and west of the property is the right of way for D Road and Okeechobee Blvd. Beyond those rights of way are agriculture related uses and vacant, vegetated properties. To the east are a few barns and residential structures. The barns can and have housed horses. The design, as described above in #1, has been done so with the character of the area in mind. The project will be designed using the rural architectural standards of the Town. Buildings have been separated into smaller, separated structures to create a ranch like setting. Landscaping will

have a natural aesthetic and will use many native, drought tolerant plants consistent with the character of the Town.

3. That adequate landscaping and screening are provided to buffer adjacent uses from potential incompatibilities.

Adequate landscaping and screening will be provided on all sides of the subject property. There is a proposed 20' landscape buffer provided on all four sides of the subject property and significant open space throughout the site. The buffer will include a 6' high, vinyl coated chain link fence as well as minimum 4' high continuous hedge at time of planting. These plantings will be maintained at 6' so there will be no way to visually see into the site from surrounding properties. Shade trees will be included within the landscape buffer as well. Landscaping will have a natural aesthetic and will use many native, drought tolerant plants consistent with the character of the Town.

In addition, a 1.00 acre preserve area will be located on the south end of the property and will include natural plantings consistent with the Town.

The landscape will be designed to meet the suggestions from the Loxahatchee Groves Rural Vista Guidelines.

4. That adequate parking and loading is provided, and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets.

There is adequate parking provided for this use. Per the Town of Loxahatchee Groves' code, the parking ratio for the Rescued Animal Facility's buildings is as follows:

- Visitor's Center (Retail) – 1 space per 250 square feet
- Veterinary Medical Building – 1 space per 200 square feet
- Caretaker House (Single Family Dwelling) – 2 spaces per dwelling unit
- Intake Building (Office) – 1 space per 250 square feet

As such, the following parking is required for each phase:

51 parking spaces are required

- Visitor's Center (4,500 SF / 250) – 18 spaces
- Veterinary Medical Building (4,000 SF / 200) – 20 spaces
- Caretaker House (1 dwelling unit) – 2 spaces
- Intake Buildings (2,728 SF / 250) – 11 spaces

No parking spaces are required for the support buildings that will be constructed due to the fact that the remaining buildings will be dedicated to accessory uses and for uses that do not have parking requirements as dictated per the Town's Land Development Regulations.

The Applicant will provide a total of 83 parking spaces for the entirety of the facility. Eight (8) of the proposed spaces will be utilized for handicap access. While this is above the minimum requirements of the Town, the additional spaces are due to the fact that the buildings are spaced out over the entire ranch, and certain buildings that do not require parking per code, will ultimately need spaces in order to meet individual building needs and ADA requirements.

5. **That the use will not have a detrimental environmental impact upon contiguous properties and upon properties located in the general area or an environmental impact inconsistent with the health, safety and welfare of the community.**

Big Dog Ranch will not have a negative environmental effect on properties located contiguously or within the immediate area. Agricultural and live animal uses exist throughout the AR Zoning District and the Rescued Animal Facility is consistent with the goals of the Town Code. Refer to response #1 as well as the conditions of approval to review the environmental requirements agreed to. In addition Big Dog Ranch will meet (as per Ordinance 2013-03) the environmental requirements listed in the Town code for the Special Exception.

6. **That the use will not have a detrimental effect on vehicular, pedestrian or equestrian traffic, or parking conditions, and will not result in the generation or creation of traffic inconsistent with the health, safety and welfare of the community.**

The proposed Rescued Animal Facility will not produce excessive levels of traffic nor will it create a hardship to pedestrians and equestrian riders. To the contrary, the Applicant proposes to allot land area for the provision of equestrian trails. The use is not commercial or residential in nature and will not generate vehicular traffic that is hazardous to the people of the Town of Loxahatchee Groves. As stated previously, adequate parking will be accommodated on site and will not impact surrounding uses or roadways.

7. **That the use will not utilize turning movements in relation to its access to public roads or intersections, or its location in relation to other structures or proposed structures on or near the site that would be hazardous or a nuisance.**

The subject site will not create a hazardous or nuisance-causing environment with regards to the turning movements of vehicles. The project has also dedicated right of way for both the future expansion of D Road and Okeechobee Blvd.

8. **That the use will not have a detrimental effect on the future development of contiguous properties or the general area, according to the Comprehensive Plan.**

The facility will not have a negative effect on the surrounding area nor will it disregard the standards set in place by the Town's Comprehensive Plan. Development of the subject site will not set a precedent of higher intensity construction due to the fact that the use is neither commercial nor residential in nature and serves as a valid need within the community. Adherence to the Future Land Use, Rural Residential – one dwelling unit per 10 acres (RR-10), will be maintained in an effort to preserve the rural and agricultural environment of the local area. In addition, there has been discussion along the Okeechobee Blvd corridor that development be limited to a Floor Area Ratio (FAR) of 0.05. The proposed development has an FAR of 0.41, therefore meeting the Town's policy.

9. **That the use will not result in the creation of incompatible noise, lights, vibrations, fumes, odors, dust or physical activities, taking into account existing uses, uses located on contiguous properties, uses in the general area and the zoning in the vicinity due to its nature, duration, direction or character.**

The veterinary facility will not produce incompatible externalities to neighboring properties or to uses within the area (Please refer to Response #1). A majority of all of the activity on the Applicant's property will occur within built facilities and will have sufficient separation and buffering from the boundaries of the subject site. Outdoor training and wellness facilities utilized to better the lives of the dogs located at the facility will be maintained and operated within and along Okeechobee Boulevard and in the central area of the subject site, away from neighboring properties.

10. That the use will not overburden existing public services and facilities.

The proposed use, as a Rescued Animal Facility will not overburden existing public facilities. A letter from PBCWUD and a Traffic Statement has been provided as part of the submittal and indicate such.

RESCUED ANIMAL CARE

Pursuant to Section 80-060, Rescued Animal Care, the proposed facility must adhere to additional land development regulations. The development proposal meets all seven (7) review standards, as outlined below.

(A) *Minimum plot size requirements.* Rescued animal care operations may be permitted on properties exceeding ten acres in size.

The proposed Rescued Animal Care facility measures approximately 33.16 acres in size exceeding the ten (10) acre requirement as dictated by the Town Code.

(B) *Accessory uses.* Veterinary services and/or domesticated animal boarding may be permitted as accessory uses as follows: (1) Veterinary services provided by a licensed veterinarian for the care of domesticated animals or native wildlife and/or boarding services for animals currently kept in the rescued animal care facility, or domesticated animals previously adopted, may be offered; and (2) Veterinary services provided by a licensed veterinarian for the care of domesticated animals and/or domesticated animal boarding services may be offered to the public provided that the rescued animal care operation is located on a property that fronts, and has access to, a Town designated Urban Collector or Arterial Highway.

Veterinary services on the subject site are proposed to be offered to animals to be kept within the facility and for animals previously adopted by the facility. In addition, veterinary services are proposed to be offered to the public. The Big Dog Ranch is proposed to be located along Okeechobee Boulevard which is classified as an Urban Collector by the Town of Loxahatchee.

(C) *Accessory residential use.* A rescued animal care facility may include an accessory single-family dwelling to be used as a Caretaker's Quarter.

A 2,720 square foot Caretaker House is proposed along the western edge of the subject property.

(D) *Waste disposal.* A rescued animal care operation shall comply with each of the following standards:

- (1) Palm Beach County Environmental Control Rule (ECR) 1: Onsite Sewage Treatment and Disposal and ECR 2: Drinking Water Supply systems;**
- (2) All applicable rules and regulations of the Florida Department of Environmental Protection (FDEP) and Florida Department of Agriculture and Consumer Services;**
- (3) All applicable rules and regulations of the Palm Beach County Health Department;**
- (4) All applicable rules and regulations of Palm Beach County Animal Care and Control Ordinance;**
- (5) All applicable rules and regulations of the Palm Beach County Solid Waste Authority;**
- (6) All applicable rules and regulations of the Florida Fish and Wildlife Conservation Commission.**

The proposed Rescued Animal Care facility shall adhere to the rules and regulations enacted by the applicable public agencies.

Note that the project meets the PBC Animal Care and Control Standards outlined in Ordinance 98-22.

- (E) *Number of animals:*** The number of animals permitted, including the number of animals boarded, shall be based upon the physical facility requirements listed in the Palm Beach County Animal Care and Control Ordinance or as permitted by the Florida Fish and Wildlife Conservation Commission, and so indicated as a condition of the Special Exception approval.

The appropriate permitting shall be requested by the Palm Beach County Animal Care and Control Division.

- (F) *Outdoor runs:*** Outdoor runs or animal exercise areas may be used. If used, such facilities shall be located a minimum of 200 feet from a directly abutting residential zoning district, be hard surfaced or grassed with drains provided even ten feet and be connected to a central or individual sanitary facility approved by the Palm Beach County Health Department. A minimum six-foot high chain-link fence, or other enclosure appropriate to the animal being served, shall be required around outdoor runs. A continuous solid opaque hedge a minimum of four feet at installation shall be provided around a chain-link fenced outdoor run area. Outdoor runs shall not be used earlier than 7:00 a.m. and later than 8:00 p.m. seven days per week.

The proposed outdoor facilities for rescued animals on the subject site shall abide by the requirements in place and meet the minimum 200' setback requirement. Each outdoor exercise area will be appropriately screened with opaque fencing, surfaced and located internal to the site.

- (G) *Architecture:*** A rescued animal care facility shall be designed to reflect the Town's Rural Vista Guidelines in effect at the time of Special Exception approval.

Acknowledged, the proposed Rescued Animal Care facility shall abide by the Town's Rural Vista Guidelines.

SITE PLAN

Section 155-020 lists review standards for Site Plans. The development proposal meets all four (4) of the substantive requirements, as outlined below.

A. Conformance to the approved and/or recorded plat, if applicable.

The proposed request will not have an adverse impact on the approved and recorded plat (Loxahatchee Groves, Book 12, Page 29). The Applicant will address any and all platting issues as they arise.

B. Consistency with the Town of Loxahatchee Groves' Comprehensive Plan.

The proposed Site Plan and Special Exception request for a Rescued Animal Facility is consistent with the Town's Comprehensive Plan, including standards for building and structural densities and intensities of use. The subject site will have a floor area ratio of 0.041 with a total square footage of 59774. The floor area ratio for the proposed Rescued Animal Facility is well below the maximum intensity of 0.2 for non-residential uses within the land use category found within the Town's Comprehensive Plan. The proposed request is consistent with the Purposes, Goals, Objectives and Policies of the Comprehensive Plan. The project provides services that contribute to livable communities and adhere to growth management principles.

C. Conformity to the Town of Loxahatchee Groves ULDC.

Agricultural and live animal uses exist throughout the AR Zoning District and the Rescued Animal Facility is consistent with the goals of the Town Code. The proposed use conforms to the purpose and intent of the district with regards to preserving and enhancing the rural and agricultural character of the community and will continue to reinforce the low density nature of the surrounding area. Below is a summary of the project's compliance with the ULDC:

	Required	Provided
Pervious Area	30% Min.	85%
Impervious Area	70% Max.	15%
Building Coverage	15% Max.	4.9%
Building Height	35' Max.	35' Max.
Front Setback	100' Min.	135'
Side Internal Setback	50' Min.	287'
Side Street Setback	80' Min.	131'
Rear Setback	50' Min.	248'
Lot Size	5 ac. Min.	33.16 ac.
Lot Width	200' Min.	1,293'
Lot Depth	200' Min.	1,114'

Furthermore, it is a mission of the Applicant to maintain as much of the existing vegetation and natural features as possible on the property and to dedicate portions of the subject site to open space areas.

D. Conformity to the water control district's requirements and regulations

The proposed request for a Rescued Animal Facility for the subject property will not have any adverse impact upon the water control district's requirements and regulations nor will it affect any other public facilities.

Based on the above and attached information, the Petitioner respectfully requests the approval of this request.

EXHIBIT D
FINAL SITE PLAN CONDITIONS OF APPROVAL

GENERAL

1. The conditions of approval herein shall apply to the Owner, Applicant and their successors and assigns.
2. Development of the site is limited to the uses approved by the Town of Loxahatchee Groves in Exhibit A (Big Dog Ranch Final Site Plan). The approved Final Site Plan is dated April 10, 2015. All modifications to the Final Site Plan must be approved by the Town Council unless the proposed changes are required to meet conditions of approval or are in accordance with ULDC Section 155-005(B), as determined by the Town Manager.
3. Prior to submittal of any building permit applications for processing by Palm Beach County, the Town Engineer shall review and the Town Manager shall approve the following plans for consistency with the ULDC: Schematic water, sewer, paving and drainage plan, landscape plan, parking facility lighting plan and floor plans.
4. The location of 1.0 acres of preserve area shall be identified on the Final Site Plan.
5. An annual payment in lieu of taxes (PILOT) contribution of \$7,000 shall be made to the Town of Loxahatchee Groves. Credits shall be applied to future PILOT payments for "D" Road OGEM improvements per Engineering Condition 5 until such time that the improvements are completed.

USE LIMITATIONS AND REQUIREMENTS

1. The floor-area-ratio of all buildings and enclosed structures shall not exceed 0.0414.
2. Veterinary services and dog boarding as accessory uses may be provided by a licensed veterinarian for adopted or previously adopted animals. Veterinary services and dog boarding as accessory uses may also be provided by a licensed veterinarian to the public for evening and weekend emergency care services provided that the facility maintains direct access to Okeechobee Boulevard.
3. An accessory caretaker unit may be provided.
4. The number of dogs allowed shall be based upon square footage of the facility and PBC Animal Control Center and Florida Fish and Wildlife Conservation Commission regulations.
5. Outdoor animal runs shall be located a minimum of 200 feet from a directly abutting residential zoning district, be permeable hard surfaced or grassed with drains every 10 feet and be connected to a central or individual sanitary facility approved by the PBCHD.
6. A minimum 6-foot high vinyl chain-link fence enclosing the entire property shall be provided, as indicated on the Final Site Plan dated April 10, 2015.
7. Separate, minimum 6-foot high vinyl opaque fences shall be required around each outdoor run area.

8. Outdoor runs shall not be used earlier than 7:00 a.m. or later than 8:00 p.m. seven days per week.

9. Swing gates shall be installed at the Okeechobee Boulevard and "D" Road entrances.

a. The gate along Okeechobee Boulevard shall be used as the primary facility access and open to the public from 10am to 6pm. Said gate shall be accessed after hours only by managerial and veterinary staff.

b. The gates along D Road shall be located a minimum of 35 feet from the western property line.

10. A periodic sound monitoring program shall be approved by the Town Council prior to issuance of the initial Certificate of Occupancy.

11. A 15-foot horse trail easement shall be dedicated to the Town of Loxahatchee Groves along the Okeechobee Boulevard and "D" Road frontages of the property.

ARCHITECTURAL

1. Building sidings and signs materials shall mimic wood lap siding.

2. Trim shall be applied at the corners of buildings.

3. Wall breaks on the larger buildings shall be enhanced by using arcades, banding, and projections.

4. Arcades (porch) shall be used as a means of creating human scale along the fronts of buildings.

5. Metal roofing shall be used on all buildings.

6. Mansard roofs and other vertical elements shall be used to break up the roof line.

7. Integration of complex window elements on buildings shall be used.

8. Mechanical and service areas shall be screened from public view.

9. Signage shall mimic building architecture.

10. The acoustic design guidelines recommended by Edward Dugger Associated, P.A. (EDA) in the report entitled "Big Dog Ranch – New Facility Acoustic Report – p2", dated April 1, 2015 shall be incorporated within the construction of the project.

ENGINEERING

1. Consistent with the Palm Beach County Mandatory Traffic Performance Standards criteria in place at the time of this approval, no building permits for the site shall be issued after December 31, 2020. A time extension for this condition may be approved by the Town Engineer based upon an approved traffic study which complies with Mandatory Traffic Performance Standards in

place at the time of the request.

2. During the plat process the Okeechobee Boulevard and "D" Road rights-of-way, as indicated on the Final Site Plan shall be dedicated to Palm Beach County and the Town, respectively.
3. An Irrigation plan shall, to be reviewed by the Town Engineer and approved by the Town Manager shall be included with documents submitted to Palm Beach County for building permit approval.
4. Sufficient right-of-way on "D" Road shall be dedicated to the Town for a northbound right turn lane at its intersection with Okeechobee Boulevard.
5. At the property owner's expense, an OGEM surface shall be applied to "D" Road, according to Loxahatchee Groves Water Control District specifications, from Okeechobee Boulevard to the southern property line, a distance of approximately 1,115 feet.
6. A 30-foot roadway right-of-way dedication shall be made to the Town of Loxahatchee Groves along the "D" Road frontage, including a 25-foot corner clip at the intersection of "D" Road and Okeechobee Boulevard.

LAND CLEARING AND LANDSCAPING

1. Any land clearing activities shall comply with the permit requirements of Article 87 "Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal" of the Loxahatchee Groves Unified Land Development Code. Included in the required land clearing permit application, a "Created Ecological Community Installation and Management Plan" shall be submitted for the 0.99 acre "Reserve" to satisfy the requirements of ULDC Section 85-025 (C) "*Preserved/created ecological communities.*" If an Alternative Mitigation plan is proposed, such plan shall be approved by the Town Council prior to the issuance of a General Permit.
2. Project landscaping shall conform to the Landscape Plan dated December 30, 2014.
3. Prior to demolition of any structures, the Florida Dept. of Health shall be contacted regarding Asbestos removal.
4. The Agility Course and all Dog Runs and Supervised Dog Areas shall be covered by natural turf grass or permeable artificial surface.
5. A continuous solid opaque hedge, a minimum 4-feet high at installation, shall be required around the perimeter of the entire 33.16 acre property. All hedging shall be included as part of the Phase 1 improvements and permanently maintained at a height of 6-feet.

EXTERIOR LIGHTING

1. A Photometric Plan shall be submitted for review by the Town Engineer and approved by the Town Engineer and Town Manager prior to submittal of the initial building permit application.
2. All exterior lighting shall be directed downward and contain shields to contain lighting within the property boundaries.

PALM TRAN

1. Not Applicable.

PARKING AND LOADING

1. All parking and loading shall occur on site as indicated on the approved Final Site Plan dated April 10, 2015.
2. Prior to the issue of the initial building permit, the Final Site Plan shall be revised to indicate loading area dimensions that meet the ULDC minimum requirement of 12 feet x 45 feet.

SIGNS

1. Sign permit applications shall be submitted to the Town as required by ULDC Section 90-070 *Sign permit requirements*
2. Mandatory building identification signs (maximum sign face of 4 sq. ft.) shall be attached to each structure.

UTILITIES AND SERVICES

1. A Developer's Agreement shall be executed by the Property Owner and the Palm Beach County Water Utility Department and approved by the Town of Loxahatchee Groves for the provision of central water and wastewater services to the project prior to issuance of the first project building permit.
2. Solid waste collection and disposal shall be accomplished by contract between the Property Owner and a third-party hauler prior to issuance of the initial certificate of occupancy.
3. The on-site animal waste collection and disposal system shall consist of the following:
 - a. Indoor Program: Built-in pressure washers and drains tied directly to the sewer system. All fecal matter and urine from inside the buildings shall be sprayed into the drains. Drains shall be periodically flushed into the sewer system. Kennel cleaners and sanitizing agents shall be used daily.
 - b. Out-of-Doors Program: "DogiPot" stations (i.e. covered metal trash cans with a supply of collection bags shall be placed around the property. Fecal matter will be collected and placed in "DogiPot" receptacles. "DogiPot" bags shall be collected and placed in covered trash dumpsters up to four times daily by Big Dog staff. Dumpsters shall be emptied and removed from the property a minimum of three times per week by the contracted third-hauler for ultimate disposal.
3. The operation shall comply with the following waste disposal standards, as appropriate: (1) PBC ECR 1 and ECR 2 and (2) rules of FDEP, FFWCC, PBCHD and PBCSWA.
- 4 Prior to a Certificate of Occupancy for Phase 1, the Florida Dept. of Health shall be contacted regarding the need for bio-medical hazardous waste permits.
5. Buildings of 5,000 sq. ft. and larger shall contain automatic sprinkler systems.

**TOWN OF LOXAHATCHEE GROVES
TOWN COUNCIL
April 21, 2015**

Staff Summary: Big Dog Ranch Special Exception and Site Plan Review

A. Site and Applicant Information

Project Name	Big Dog Ranch Special Exception and Site Plan Approvals
Project No.	SP 2014-01
Agent	Jeff Brophy, Land Design South/WGI
Applicant	Big Dog Ranch Rescue, Inc.
Owner	TLH 25 Villa, LLC
Parcel Control No.	41-41-43-17-01-411-0010 (1930 "D" Road); and 41-41-43-17-01-409-0010 (1810 "D" Road)
Location	Southeast corner of Okeechobee Boulevard and "D" Road
Size (Acreage)	33.16 acres
Zoning	AR Agricultural Residential
Future Land Use	Rural Residential 5 (RR 5)
Existing Use	Vacant/undeveloped
Approved Use	No prior approvals
Proposed Use	Rescued Animal Care (Permitted Use subject to Section 80-60 of the ULDC and Special Exception Approval)

B. Adjacent Properties (Existing Use, Future Land Use and Zoning)

Land Use	North	South	East	West
Existing Use	Okeechobee Blvd. followed by a tree nursery and vacant land	Landscape maintenance business	Palm Beach County Fire Rescue Station (R-75-530) and 2 residential lots	"D" Road followed by a tree nursery and vacant land
Future Land Use	RR 5 (Rural Residential 5)	RR 5 (Rural Residential 5)	RR 5 (Rural Residential 5)	RR 5 (Rural Residential 5)
Zoning	AR (Agricultural Residential)	AR (Agricultural Residential)	AR (Agricultural Residential)	AR (Agricultural Residential)

C. Submitted Support Documents

Item	Content
Final Site Plan	Rescued Animal Care Facility; dated 12/30/2014; Revised April 10, 2015.
Justification Statement (Statement of Use)	Project description, and justifications for Special Exception and Site Plan Approvals; dated 12/30/2014; Revised April 10, 2015
Architectural Plans/Elevations	Elevations and floor plans for the following: Main Visitor Building; Vet Building; Adoptable Dog House Building; Quarantine Building; and Maintenance Building.
Landscape and Tree Removal and Transplant Plans	Phases 1 - 3 plan, including tree inventory
Drainage Statement	Description of storm water system and legal positive outfall
Photometric Plan	To be included at the time of land development review by the Town Engineer
Traffic Statement	Consultant TPS evaluation; updated 11/26/2104
Environmental Assessment	Ecosystems descriptions, listed species and soils and conclusions; 8/12/2014. Noise level assessment and acoustical guidelines and design criteria; 4/1/2015. Animal Waste Management Plan (Ref: Justification Statement dated 4/10/2015).
Conceptual Engineering Plan	On and off-site central water and sewer service plan; 12/20/2014

D. Narrative Information

1. Property History

The 33.16 acre property, located at the southeast corner of Okeechobee Boulevard and "D" Road in Loxahatchee Groves, consists of two parcels (20 acres and 13.16 acres respectively) that were jointly purchased in February 2014. Although the parcels currently have Single Family Use Code designations by the Palm Beach County Property Appraiser, they historically contained a tree nursery. Many of the trees remain on-site and most will be used for landscaping in the proposed Big Dog Ranch development. A vacated single-family home and nursery-related structures remain on the property. These structures will be demolished during construction of the Big Dog Ranch facility.

2. Summary of Request

The Big Dog Ranch no-kill rescued animal care facility is to be developed on 33.16 acres. Final Site Plan approval is currently proposed.

Big Dog Rescue is a non-profit 501(c) (3) corporation which intends to develop the facility for the purpose of accepting adoptable dogs from high-kill shelters throughout the

southeast United States. Once accepted, dogs will be rehabilitated and medically treated and sheltered until they are adopted, or permanently sheltered on-site due to age. The facility will also accept dogs directly from owners who can no longer care for them and offer emergency care services to the community at large. The proposed Final Site Plan, dated April 10, 2015, is presented in Attachment A. The following descriptions summarize each of the proposed development components:

Project Total – 59,774 sq. ft., including the following facilities:

- Main Visitor Center (4,500 sq. ft.): Reception area for potential adopting households and administrative offices.
- Veterinary Clinic (4,000 sq. ft.): Medical treatment facility for a licensed Veterinarian and veterinarian technicians, including facilities for surgery, spay/neuter and vaccination of rescued animals, and evening and weekend emergency veterinary care services to local households in times of crisis. A summer internship will also be offered for veterinary students
- Animal Housing (19,968 sq. ft.): Main housing facility consisting of 4 wings with a central covered pavilion. Daily care is provided for dogs and puppies, including feeding, cleaning and exercise. Each wing has its own fenced area and serves dogs by size (small, medium and large).
- Puppy Land (1,848sq. ft.): Ten 168 sq. ft. building pods to house pregnant and/or nursing females and their puppies and a 168 sq. ft. support building. Each pod has a fenced area for exercise.
- Caretaker House (2,720 sq. ft.): Home for a live-in on-site facility night manager, for security, medical watch, and dog supervision.
- Intake Building (2,728 sq. ft.): All dogs are initially assessed by a Veterinarian and screened, quarantined and treated as necessary to ensure that they are fit to be moved to other on-site facilities.
- Maintenance Building (1,000 sq. ft.): Houses tools, equipment and maintenance supplies.
- Weimaraner World (4,024 sq. ft.): Specialized care and housing for the Weimaraner or other breeds that suffer from separation anxiety. The building will include living quarters for a full-time kennel staff person.
- Senior Sanctuary (3,556 sq. ft.): Housing of senior dogs that are too old for adoption or have medical issues preventing adoption. A kennel technician will be living with them at all times
- Education Center (7,500 sq. ft.): Education Pavilion to be used for educational classes for school-age children, dog training classes for newly adopted dogs and fund-raising events.

- Boarding/Housing Building (7,930 sq. ft.): Housing of guest dogs that need to be boarded.
- Other Principal Features: A 1.50 acre retention lake and two preserve areas totaling 1.0 acres.

E. Staff Finding and Recommendation

Staff finds the proposed Final Site Plan, dated April 10, 2015, consistent with the Town's Comprehensive Plan, ULDC zoning requirements and Conditional Use, Special Exception and Site Plan criteria and recommends approval of Special Exception and Site Plan Approval Application 2014-01, subject to the Conditions of Approval presented in Attachment C.

F. Planning and Zoning Board (PZB) Recommendation: At its January 22, 2015 meeting, PZB voted to recommend approval, subject to several Conditions of Approval revisions, by a 5 – 0 vote. Recommended revisions have been included in the proposed Conditions of Approval (Ref: Attachment C).

G. Staff Review Summary

1. Adjacent Land Uses

Direction	Uses	Potential Issues
North	Okeechobee Blvd (110' R.O.W.) followed by a tree nursery and vacant land	Noise. Addressed in the noise level assessment and acoustical guidelines and design criteria; 4/1/2015 in Conditions of Approval
South	Landscape maintenance business	Noise. Addressed in the noise level assessment and acoustical guidelines and design criteria; 4/1/2015 in Conditions of Approval
East	Palm Beach County Fire Rescue Station (R-75-530) and 2 residential lots	Noise. Addressed in the noise level assessment and acoustical guidelines and design criteria; 4/1/2015 in Conditions of Approval
West	"D" Road (60' R.O.W.) followed by followed by a tree nursery and vacant land	Noise. Addressed in the noise level assessment and acoustical guidelines and design criteria; 4/1/2015 in Conditions of Approval

2. Infrastructure Impacts

Infrastructure Service	Summary
Water/wastewater	Property can be served by County central water/wastewater along Okeechobee Boulevard. Letter from County provided indicating water, water reuse water and wastewater lines adjacent to property. Reclaimed Water Development Agreement will be required to reserve capacity for irrigation. A Conceptual Engineering Plan has been provided indicating tie-in locations to the existing wastewater force main and potable water main on Okeechobee Boulevard and the on-site collection and distribution systems.

Infrastructure Service (continued)	Summary (continued)
Surface Water Management	Drainage Statement provided. On-site storm water will be collected in a system of catch basins, storm drainage pipe and swales directed to the existing on-site lake to be used for water quality, retention and detention. Legal positive outfall provided by discharge into the existing "D" Road Canal. Storm drain system indicated on Conceptual Engineering Plan
Solid Waste Disposal	Solid Waste Authority letter confirms disposal capacity available. Applicant must execute contract with private hauler for collection.
Transportation	Traffic Statement Provided. The Applicant's Traffic Engineer has concluded that less than 19 peak-hour trips will be generated therefore complying with the PBC TPS Ordinance.
Parks and Recreation	Not Applicable – Commercial land use and zoning
Public Schools	Not Applicable – Commercial land use and zoning
FIRE/EMS	Letter from Palm Beach County Fire/Rescue indicating an estimated response time less than the average for the nearest station.

3. Environment

Item	Summary
Natural Resources	The applicant has submitted an Environmental Assessment and Phase 1 Environmental Assessment for the area encompassing Phases 1 and 2 of the property. No native upland habitats are identified, although some native trees will be removed or relocated. No wetlands are identified. Two ponds are located on-site, likely classified as Other Surface Waters by SFWMD and Waters of the State by the USA Corps of Engineers (COE). Filling of a pond could require COE permit. No listed protected species were witnessed during a site visit. The Phase 1 concluded no evidence of: (1) the release of hazardous wastes from current or past activities; or (2) environmental concerns from on-site activities.
Noise	A noise level assessment and acoustical guidelines and design criteria was prepared (Ref: Attachment E). The purpose was to compare the Existing Big Dog Ranch noise levels with those expected at the proposed facility. Provides acoustic guidelines and design criteria required to meet the goal of "nuisance noise not audible beyond the property boundaries".
Historical Resources	According to Staff records there are no historical or cultural resources on the property listed on the Florida Master Site File or the National Register of Historical Places.
Flood Zone	Zone X-500, per Map # FLU 1.5 of the Comprehensive Plan. Zone X-500 is generally the area between the limits of the 100-year and 500-year flood.

4. Comprehensive Plan and Zoning Consistency

Proposed SP 14-1 is consistent with the Comprehensive Plan

- The current Future Land Use Map designation of the property is Rural Residential 5 and

no change is proposed

- The current Zoning Map designation of the property is Agricultural Residential (AR) and no change is proposed.
- The proposed rescued animal care facility is a permitted use within the AR zoning district subject to meeting the conditions of Article 80 (i.e. Section 80-60 *Rescued Animal Care*) and receiving Special Exception approval, per Article 170 of the ULDC.

5. Zoning Requirements: AR Zoning District Regulations

Regulation	Standard	Property Complies?
Permitted Use	Rescued Animal Care Facility – Permitted Use	Yes, subject to ULDC Sections 80-60 and Article 170.
Minimum lot size	10 acres - ULDC Section 80-060(A)	Yes – 33.16 acres
Frontage and Access	ULDC Section 100-35: legal access from a publically dedicated street	Yes – Proposed access to Okeechobee Blvd. and "D" Road
Minimum frontage/width	200 feet	Yes – 1,293 ft. on Okeechobee Blvd.
Minimum depth	200 feet	Yes - 1,114 feet
Maximum Floor-Area-Ratio	0.15	0.0414 F.A.R.
Maximum building and roofed structures lot coverage	15%	Yes – 4.9% (Includes 59,774 sq. ft. of building area + 11,031 sq. ft. of covered pavilion and covered walkways)
Front setback	100 feet	Yes – 135 feet
Side setback	50 feet	Yes – 287 feet
Side street setback	80 feet	Yes – 131 feet
Rear setback	50 feet	Yes – 248 feet
Minimum pervious area	70%	Yes – 85%
Maximum building height	35 feet	Yes – 35 feet

6. ULDC Section 80-60 Conditional Use Criteria

A rescued animal care petition must comply with the following Rescued Animal Care facility Conditional Use criteria:

Criterion	Compliance
Section 80-060 (A) Minimum plot size of 10 acres	Yes - 33.16 acres
Section 80-060 (B)(1) Veterinary services and dog boarding as accessory uses may be provided by a licensed veterinarian for adopted or previously adopted animals	Condition of Approval
Section 80-060 (B)(2) Veterinary services and dog boarding as accessory uses may be provided by a licensed veterinarian to the public provided that the	Location on Okeechobee Blvd., an Urban Collector. Access to Okeechobee Blvd.

facility is located on and has access to an Urban Collector or Arterial Roadway.	provided Condition of Approval
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Criterion (continued)	Compliance (continued)
Section 80-60 © A facility may include an accessory caretaker's single-family unit.	Includes an accessory caretaker unit
Section 80-060 (D) shall comply with the following waste disposal standards: (1) PBC ECR 1 and ECR 2 and rules of FDEP, PBCHD PBC Animal Care and Control, FWCC, and PBCSWA.	Condition of Approval
Section 80-060 (E) the number of dogs based upon square footage of the facility and PBC Animal Control Center regulations and indicated as a condition of approval of the Special Exception	Condition of Approval
Section 80-060 (F) Outdoor animal runs shall be located a minimum of 200 feet from a directly abutting residential zoning district, be hard surfaced or grassed with drains every 10 feet and be connected to a central or individual sanitary facility approved by the PBCHD	Fenced Dog Runs a minimum of 200 feet from any AR district.
Section 80-060 (F) A minimum 6-foot high chain-link fence, including a continuous solid opaque hedge a minimum 4-feet high shall be required around outdoor runs.	Condition of Approval
Section 80-060 (F) Outdoor runs shall not be used earlier than 7:00 a.m. or later than 8:00 p.m. seven days per week	Condition of Approval
Section 80-060 (G) architecture shall be designed to reflect the Town's Rural Vista Guidelines (RVG)	RVG Features: Standing seam tin hip roof, windows with barn wood shutters, hard plank wood-like siding, covered porches with wood posts, limit of 2 rows of parking along Okeechobee Blvd., limited removal of native trees, heavily landscaped road frontages, Elevations and Architectural Renderings provided.

7. ULDC Article 85: Landscape Plan Requirements

Requirement	Response
Section 85-025 (C) Plots of 2 acres or	0.99 acres required. 1.0 acre proposed in

more shall preserve or create and maintain an ecological community of at least 3% of area of the property	two parcels.
Section 85-040 (D) (2) and (3) A tree survey, including trees to be removed or relocated, including proposed relocation sites	Provided in Landscape Plan: Summary: 1. Plant list (trees and shrubs) 2. Vegetation to be retained relocated or removed. 3. Required tree mitigation

Requirement (continued)	Response (continued)
Section 85-040 (D) (7) The location, including height, caliper and canopy spread of all landscape materials	Provided in Tree Survey and indicated on Landscape Plan.
Section 85-040 (E) Irrigation plan if irrigation system to be used	Condition of Approval
Section 85-050 (A) (1) No substances that prevent water percolation in areas not containing structures or paving	Calculated pervious area @ 85% - meets ULDC requirement of 70%. Pervious surfaces on supervised dog areas. Condition of Approval
Section 85-050 (A) (2) Primary structures treated with shrubs @ 2.5 foot height along 20% of the structure frontage	Primary structures treated with shrubs and hedges per Landscape Plan – meets requirement
Section 85-050 © Interior open space area defined and located @ 10% of the area of vehicular use areas, excluding landscape strip or perimeter buffers	Provided in Landscape Plan – meets requirement.
Section 85-050 (B) Meets interior open space tree and shrub requirements	Calculated in Landscape Plan – meets requirement
Section 85-050 (D) Dumpsters, mechanical equipment and electrical transformers screened	Dumpster screened per Landscape Plan – meets requirement
Section 85-050 (E) Signs screened	No monument signs proposed at this time. Condition of approval
Section 85-050 (F) Existing vegetation credit requested and calculated	Calculated per Landscape Plan – meets requirement
Section 85-055 (B) Landscape buffer along property line abutting AR District	20 feet provided on south and east property lines.
Section 85-050 (C) 15 foot vehicular use landscape strip (not counted as interior open space)	20 feet buffer provided on both Okeechobee Blvd. and "D" Road
Section 85-050 (C) (1) Vehicular use landscape requirements	Vehicular use areas provided with landscape islands per Landscape Plan – meets requirement
Section 85-065 Site distance requirements (Ref: ULDC Article 105)	25 foot corner clip provided at the "D" Road/Okeechobee Boulevard intersection.

6. ULDC Supplementary Requirements

a. ULDC Article 90 Signs

Allowed Signs	Response
Sections 05-040 Permits required and 90-070 Sign permit requirements	Condition of Approval
Section 90-040(A) Standards by sign type and zoning district (AR)	
(1) Mandatory attached building identification (i.e. address) sign : 1 per structure or business @ maximum sign face of 4 sq. ft.	Condition of Approval

b. ULDC Article 95 Parking and Loading

Requirement	Response
Section 95-010 Minimum parking space requirements – 51 spaces required. 2 handicap spaces required (Ref: Table 208.2 PBC ULDC)	83 spaces provided. 8 handicap spaces provided. Additional spaces provided for uses that do not require parking, per ULDC, visitors and special events participants.
Section 95-025 Size of parking spaces – Standard space = 11' x 22.5". Handicap space = 14' x 22.5'	Required standard spaces provided
Section 95-050 Minimum loading space requirements (i.e. for uses that receive materials by truck).	Loading area provided (2 @ Maintenance Building)
Section 95-070 Size of loading spaces – 12' x 45' with 14' vertical clearance	Condition of Approval

7. ULDC Section 155-020: Substantive Requirements (Site Plan)

Criterion	Compliance
Section 150-020 (A) Conformance to the approved and/or recorded plat, if applicable	The property consists of 2 lots (Tracts 9 and 11 of Block D) recorded on the Replat of Loxahatchee District Subdivision on 6/12/1925 (ORB 12, Page 29).
Section 150-020 (B) Consistency with the Loxahatchee Groves Comprehensive Plan	Yes – Refer to Section D, above.
Section 150-020 (C) Conformance with the Town of Loxahatchee Groves ULDC	Yes – Refer to Sections G1 to G9.
Section 150-020 (D) Conformity with the water control district's requirements and regulations.	Proposed drainage discharge "D" Road Canal. No LGWCD issues identified.

8. ULDC Article 170-025 Special Exception Review Standards

Standard (paraphrased)	Response
Section (A) (1) No detrimental impact to contiguous and proximate uses	ULDC requirements and Conditions of Approval to insure that potential impacts are

	addressed
Section (A) (2) Compatible with existing uses on contiguous and proximate properties	Implementation of ULDC and Conditional Use requirements, coupled with a low (0.041) F.A.R, and Conditions of Approval will address compatibility issues
Section (A) (3) Adequate screening and buffering for adjacent uses to address potential incompatibilities	Screening, buffering, landscaping, setbacks and separation requirements meet or exceed ULDC requirements.

Standard (paraphrased continued)	Response (continued)
Section (A) (4) Adequate parking and loading to be provided and access designed to minimally interfere with traffic on abutting streets	Proposed parking (83 spaces) exceeds ULDC requirements (51 spaces). 25-foot corner clip aids visibility. Final Site Plan indicates two loading areas. Site access is through controlled gates limiting access during night hours.
Section (A) (5) Use will not cause detrimental environmental impact upon adjacent properties	Environmental Assessment and Phase 1 Environmental Assessments indicate no current environmental issues. Conditions of Approval address compatibility and animal noise.
Section (A) (6) Use will not cause detrimental effect upon vehicular, pedestrian or equestrian traffic	Peak-hour trips are estimated at 19 trips per day; a minimal impact upon vicinity roads. A 25-foot corner clip is planned for the Okeechobee Blvd/"D" Road intersection to maximize visibility.
Section (A) (7) Use will not utilize turning movements onto public roads or intersections that result in a public hazard	Access is from Okeechobee Boulevard and "D" Road. Vehicles travelling west on Okeechobee can access the property via single "D" Road and Okeechobee Blvd. entrances.
Section (A) (8) The use will not have a detrimental on the future development of contiguous properties or the vicinity	The Final Site Plan indicates substantial screening and buffering and separation distances and noise prevention design features and monitoring to mitigate potential impacts.
Section (A) (9) The use will not create incompatible noise, lights, vibrations, fumes, odors, dust or physical activities, taking into account existing uses on contiguous properties or the vicinity	Required photometric plan and Conditions of Approval regarding noise mitigation to ensure compatibility with neighboring properties. Site design, including the location of uses, buffering, setbacks, landscaping and separation distances, coupled with limited hours of operation and project design features and monitoring are proposed to

	minimize noise impacts.
Section (A) (10) The use will not overburden public services and facilities	Infrastructure and services impacts discussed in Section G.2. Indicate no significant impact.

9. Architecture (Discussion of Rural Vista Guidelines by Applicant)

The Applicant has considered the Rural Vista Guidelines and applied the following design elements throughout the project.

- Areas of materials applied to mimic wood lap siding on the building and signs
- Trim at corners of buildings
- Breaks at larger building walls using arcades, banding and projections
- Use of the continuous arcade (porch) to keep the human scale along the fronts of buildings
- Use of metal roofing where applicable
- Use of vertical elements to bring down the scale of the buildings and break up the roof line
- Integration of complex window elements on buildings
- Screening of mechanical and service areas
- Use of Native Landscape material
- All exterior lighting directed downward with shields

H. Compatibility

An inventory of land uses adjacent to the subject property is presented in Section B. All adjacent properties are assigned RR 5 future land use and AR zoning designations. Adjacent properties to the north (Okeechobee Boulevard) and west ("D" Road) lie beyond street rights-of way.

The adjacent properties to the north, beyond Okeechobee Boulevard, include tree nursery and vacant land. The adjacent property to the south is a wholesale nursery. Properties to the east include a Palm Beach County Fire Rescue facility and two residential lots. The adjacent properties to the west, beyond "D" Road, include tree nursery and vacant land.

Compatible land uses are defined as those which are consistent with each other in that they do not create or foster undesirable health, safety, or aesthetic effects arising from direct association of dissimilar activities, including the impacts of intensity of use, traffic, hours of operation, aesthetics, noise vibration, smoke, hazardous odors, radiation, and other land use

conditions. Conditions of Approval can be imposed to address these issues.

The greatest potential for incompatibility between Big Dog Ranch and its neighbors is noise generated by barking dogs. Separation from neighboring uses can act to fully or partially mitigate potential effects. To the west and north the subject property is separated from adjacent properties by 80-foot (i.e. "D" Road ultimate) and 120-foot (i.e. Okeechobee Boulevard ultimate) rights-of-way. In addition Conditions of Approval require additional 15 foot horse trail easements along these roadways.

A Rescued Animal Care Conditional Use requirement is that outdoor dog runs must be located no closer than 200 feet from a residential zoning district. Further, the proposed limitation on the hours that dogs can be outside provides further noise incompatibility insurance.

In addition to the above considerations, the Applicant has proposed acoustic design guidelines for the proposed facility (Ref: page 7 of Attachment E).

A review of the subject site vicinity leads to the conclusion that the area is comprised of a mixture of agricultural, institutional, residential vacant properties. The low proposed F.A.R (0.041) and traffic generation, 35-foot height limitation, compatibility measures and acoustic guidelines discussed above are provided to insure that the proposed Big Dog Ranch is a compatible neighbor.

I. Development Review Committee (DRC) Comments

The following were notified and requested to provide any comments during the review process regarding issues or concerns with the proposed Big Dog Ranch Site Plan: **(Note: Detailed comments and Applicant responses presented in Attachment D)**

Agency/Entity	Comment/Response Summary
County Agricultural Extension Office	Any objections from neighbors/None at this time
PBC Sheriff's Department	No response
PBC Health Department	Prior to demolition contact Florida Dept. of Health regarding Asbestos removal regulations and bio-medical hazardous waste permits/Condition of Approval
Lox. Groves Water Control District	Response (verbal)"D" Road r.o.w. to be dedicated to the Town. No drainage issues.
PBC Solid Waste Authority	No issues/NA
Keschavarz & Assoc. (Town Engineer)	Several comments regarding drainage, traffic, parking and water and sewer/Ref: Attachment C)
PBC Fire Rescue	Buildings 5,000 sq. ft. and larger must contain automatic sprinklers/Condition of Approval
Simmons & White (Town Traffic Engineer)	Several comments regarding entry gates, traffic study, site plan detail, and road improvements/Ref: Attachment D)

ATTACHMENT A
Big Dog Ranch Final Site Plan: SP 2014-01
(See Following Page)

ATTACHMENT B

Big Dog Ranch Statement of Use

STATEMENT OF USE

Special Exception Approval

Site Plan Approval

Big Dog Ranch

April 10, 2015

REQUEST

On behalf of the Petitioner, Land Design South, a division of WGI, Inc., is requesting:

- **Special Exception Approval** to allow a Rescued Animal Care facility.
- **Site Plan Approval** to allow a Rescued Animal Care facility.

SITE CHARACTERISTICS & SURROUNDING PROPERTIES

The subject property is located on the southeast corner of Okeechobee Boulevard and D Road, in the Town of Loxahatchee Groves. The site is currently zoned Agricultural Residential (AR) and has a Future Land Use designation of Rural Residential – one dwelling unit per 10 acres (RR-10). The subject site, which is approximately 33.16 acres in size, is vacant land. The property has access from both Okeechobee Boulevard and D Road.

Development History

There are no prior development approvals on this site.

Surrounding Uses

A breakdown of the surrounding uses is provided below.

North: to the north of the subject site is Okeechobee Boulevard. On the north side of Okeechobee Boulevard is vacant land, which has a FLU designation of RR-10 and a Zoning District of AR.

West: to the west of the subject site is D Road. On the west side of D Road is vacant land, which has a FLU designation of RR-10 and a Zoning District of AR.

East: to the east of the subject site is vacant land, which has a FLU designation of RR-10 and a Zoning District of AR.

South: to the south of the subject site is vacant land, which has a FLU designation of RR-10 and a Zoning District of AR. It is important to note that, there are no residential units that abut the southern end of the subject site.

DEVELOPMENT PROPOSAL

The development proposal includes the construction of a Rescue Animal Care facility, proposed to be constructed within a singular phase. Big Dog Ranch Rescue is a non-profit 501c3, no-kill dog

rescue facility. The facility takes in adoptable dogs from high-kill shelters, rehabilitates them, medically treats each of the animal's needs, spays and neuters them, and provides a medium for loving homes to adopt each dog. The facility also accepts dogs directly from owners who can no longer care for their pets.

The following is a summary of the uses associated the proposed development:

Animal Housing Building (4 wings)

This building includes a covered pavilion in the center of the structure with four (4) wings each measuring approximately 4,992 square feet in size. The total size of the structure is 19,968 square feet. The structure is proposed to feature four (4) fenced in areas, of which one (1) is for small dogs, one (1) is for medium dogs and two (2) are for large dogs. Kennel techs provide daily care, feeding, cleaning, and exercise to the dogs and puppies. There is an agility course located to the southeast of the building. The dogs are separated from other areas by an opaque fence which prevents dogs from viewing those outside the paly area, thereby reducing the barking of the dogs.

Veterinary Clinic

There is a 4,000 square foot veterinary clinic proposed along the northern portion of the site. The medical personnel for this clinic consists of veterinary technicians and a licensed Veterinarian, who provide medical treatment as needed such as surgeries, spaying/neutering and vaccinations to the dogs at the facility. The facility's plan is to offer low cost evening and weekend emergency care to dogs during times of crisis. The facility will also have a summer internship program for veterinarians coming out of college.

Main Visitor Center

There is a 4,500 square foot visitor building proposed at the northern portion of the site. The visitor building is where potential adopting families enter the facility and are greeted by personnel. The building also houses the facility's director, developmental director, volunteer coordinators, and adoption counselors.

Intake Building

There is a 2,728 square foot intake buildings proposed at the northwest portion of the site. All of the dogs brought to this facility are taken in at this building. The dogs are accessed by the licensed veterinarian and are then kept for several weeks under quarantine as a means to ensure that they are well. They are then medically treated for possible illnesses until they are ready to enter the general population of rescued animals.

Puppy Land

There are ten (10) puppy pods proposed, which are approximately 168 square feet each (for a total of 1,680 square feet) plus a 168 square foot support building. The pregnant and/or nursing dogs are housed here with their puppies. Each individual pod measures 12' x 14' in size, to keep the dogs in a healthy, stress-free environment until the puppies are old enough to be adopted.

Maintenance Building

There is a 1,000 square foot maintenance building at the west side of the site. The facility's equipment, tools and maintenance supplies are kept within this building.

Caretaker House

There is a 2,720 square foot caretaker residence proposed to be located between the puppy pods and the boarding dog housing along the north side of the site. The building is for the live-in, onsite night manager who provides security, medical watch and supervision on the dogs throughout each night.

Weimaraner World

There is a 4,024 square foot building proposed as Weimaraner World. This building will provide specialized care and housing for Weimaraners or other breeds of dogs that suffer from separation anxiety. This building will have living quarters for a full-time kennel staff as well as outside play areas.

Senior Sanctuary

There is a 3,556 square foot Senior Sanctuary building proposed at the northeastern corner of the lake. This building will house the senior dogs that are too old to have a chance for adoption or have medical issues that prohibit chances for adoption. There will be a kennel tech living with them at all times.

Education Center

There is a 7,500 square foot education center, proposed at the southwest portion of the site. The center will be used for educational classes for school age children with weekly training classes for newly adopted dogs and fund raising events to benefit the rescue.

Boarding/Housing Building

There is a 7,930 square foot building proposed to be utilized as boarding/housing, at the northeastern corner of the property. The building will house the guest dogs that need to be boarded. It is important to note that, a discounted rate is provided to individuals who adopt dogs from the facility, as well as for our men and women who have to leave their dog behind while serving our country in the military.

A 1.50 acre lake tract area is proposed within the southern half of the site. Along the eastern and western edges of the lake, two preserve areas totaling 1.0 acres is proposed as a means to further mitigate external impacts to adjacent properties.

Note that gates are proposed along Okeechobee Boulevard and along D Road. The gate along Okeechobee Boulevard will be open from 7am to 6pm and can be accessed after hours by managerial and veterinary staff. The gates along D Road will be closed at all times, unless a delivery is being made.

SPECIAL EXCEPTION

The proposed Rescued Animal Facility is located within the AR zoning district. Pursuant to Section 20-015, Permitted Uses, a Rescued Animal Facility is permitted with a Special Exception application. It is important to note that accessory dwelling units and caretaker's quarters are permitted by right.

Section 170-025.A lists review standards for Special Exceptions. The development proposal meets all ten (10) review standards, as outlined below.

1. That the use will not cause a detrimental impact to the value of existing contiguous uses, uses in the general area, and to the zoning district where it is to be located.

The proposed use as a Rescued Animal Facility will not cause a detrimental impact to the value of surrounding uses within the area. To the contrary, the proposed facility will provide much needed services to the local community by providing animal care and boarding options at a reduced cost, as well as providing educational opportunities for residents. The petitioner is aware of the concern from surrounding neighbors as to the perceived negative impact the new facility will have.

That is why in addition to the minimum requirements set forth in the Loxahatchee Groves code, additional conditions of approvals have been agreed to in order to mitigate any concerns regarding impact on property value. The main concern as it relates to the property value seems to be the perception that the dogs housed on the property will cause excessive barking and smells.

As it relates to barking, many systems have been put in place to mitigate for the sound. The first is that Big Dog Ranch is proposed to be built on over 33 acres in order to allow for large setbacks from adjacent properties, especially single family homes. The closest residential structure will be approximately 750 feet (2.5 football fields roughly) from any proposed fence or structure of Big Dog Ranch. The 750 feet separation will be open area, landscape as well as a proposed dense landscape buffer with security fence. The property to the south is an existing nursery, and while the setbacks are even larger to this property we have taken into account comments from this neighbor to redesign the site and place the majority of the proposed dog housing along Okeechobee Blvd. By placing the dog housing and services closer to Okeechobee Blvd this will further increase the separation from adjacent properties.

Also in regards to noise the buildings will be designed in order to fully mitigate the sound of the dogs while they are indoors. Please see the submitted sound study and the suggested design techniques for the structures. The applicant has accepted conditions of approval that will require the buildings to be constructed as per these suggestions. In addition, outdoor dog runs will be screened with opaque fences so dogs within the runs cannot see other dogs outside the runs, removing their instinctive nature to bark. The buildings will also be designed to meet the suggestions from the Loxahatchee Groves Rural Vista Guidelines.

In regards to the concern of odors, Big Dog Ranch has put forth a system for waste removal. The new kennel facility will be equipped with built in pressure washers and drains that will tie directly into the sewer system. All fecal matter and urine from inside the buildings will be sprayed into those drains. The drains will be periodically flushed into the sewer system. In addition to timed flushes the drains will also be equipped with a means to override the system and flush with the push of a button on demand. Big Dog Ranch will also be using various kennel cleaners and sanitizing agents each day to ensure the cleanliness of our facility and the health of the dogs.

"DogiPot" Stations, which are covered metal trash cans with a supply of empty smaller bags attached, will be placed strategically around the property. Fecal matter, picked up outside, will be placed into smaller individual bags then placed into the "DogiPot" receptacles. Larger trash

bags within the stations will be collected up to four times throughout the day by Big Dog staff. The larger bags will then be placed in covered trash dumpsters. Dumpsters will be emptied, and removed from the property, by waste management a minimum of three times per week. Volunteers and staff are all trained to pick up any fecal matter immediately and not leave it laying on the ground.

- 2. That the use will be compatible with the existing uses on contiguous property, with uses in the general area and zoning district where the use is to be located and compatible with the general character of the area, considering population density, design, scale and orientation of structures to the area, property values and existing similar uses or zoning.**

The proposed use as a Rescued Animal Facility is compatible with the existing uses located on contiguous properties, in the general area and within the zoning district. To the immediate north and west of the property is the right of way for D Road and Okeechobee Blvd. Beyond those rights of way are agriculture related uses and vacant, vegetated properties. To the east are a few barns and residential structures. The barns can and have housed horses. The design, as described above in #1, has been done so with the character of the area in mind. The project will be designed using the rural architectural standards of the Town. Buildings have been separated into smaller, separated structures to create a ranch like setting. Landscaping will have a natural aesthetic and will use many native, drought tolerant plants consistent with the character of the Town.

- 3. That adequate landscaping and screening are provided to buffer adjacent uses from potential incompatibilities.**

Adequate landscaping and screening will be provided on all sides of the subject property. There is a proposed 20' landscape buffer provided on all four sides of the subject property and significant open space throughout the site. The buffer will include a 6' high, vinyl coated chain link fence as well as minimum 4' high continuous hedge at time of planting. These plantings will be maintained at 6' so there will be no way to visually see into the site from surrounding properties. Shade trees will be included within the landscape buffer as well. Landscaping will have a natural aesthetic and will use many native, drought tolerant plants consistent with the character of the Town.

In addition, a 1.00 acre preserve area will be located on the south end of the property and will include natural plantings consistent with the Town.

The landscape will be designed to meet the suggestions from the Loxahatchee Groves Rural Vista Guidelines.

- 4. That adequate parking and loading is provided, and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets.**

There is adequate parking provided for this use. Per the Town of Loxahatchee Groves' code, the parking ratio for the Rescued Animal Facility's buildings is as follows:

- Visitor's Center (Retail) – 1 space per 250 square feet

- Veterinary Medical Building – 1 space per 200 square feet
- Caretaker House (Single Family Dwelling) – 2 spaces per dwelling unit
- Intake Building (Office) – 1 space per 250 square feet

As such, the following parking is required for each phase:

51 parking spaces are required

- Visitor's Center (4,500 SF / 250) – 18 spaces
- Veterinary Medical Building (4,000 SF / 200) – 20 spaces
- Caretaker House (1 dwelling unit) – 2 spaces
- Intake Buildings (2,728 SF / 250) – 11 spaces

No parking spaces are required for the support buildings that will be constructed due to the fact that the remaining buildings will be dedicated to accessory uses and for uses that do not have parking requirements as dictated per the Town's Land Development Regulations.

The Applicant will provide a total of 83 parking spaces for the entirety of the facility. Eight (8) of the proposed spaces will be utilized for handicap access. While this is above the minimum requirements of the Town, the additional spaces are due to the fact that the buildings are spaced out over the entire ranch, and certain buildings that do not require parking per code, will ultimately need spaces in order to meet individual building needs and ADA requirements.

5. That the use will not have a detrimental environmental impact upon contiguous properties and upon properties located in the general area or an environmental impact inconsistent with the health, safety and welfare of the community.

Big Dog Ranch will not have a negative environmental effect on properties located contiguously or within the immediate area. Agricultural and live animal uses exist throughout the AR Zoning District and the Rescued Animal Facility is consistent with the goals of the Town Code. Refer to response #1 as well as the conditions of approval to review the environmental requirements agreed to. In addition Big Dog Ranch will meet (as per Ordinance 2013-03) the environmental requirements listed in the Town code for the Special Exception.

6. That the use will not have a detrimental effect on vehicular, pedestrian or equestrian traffic, or parking conditions, and will not result in the generation or creation of traffic inconsistent with the health, safety and welfare of the community.

The proposed Rescued Animal Facility will not produce excessive levels of traffic nor will it create a hardship to pedestrians and equestrian riders. To the contrary, the Applicant proposes to allot land area for the provision of equestrian trails. The use is not commercial or residential in nature and will not generate vehicular traffic that is hazardous to the people of the Town of Loxahatchee Groves. As stated previously, adequate parking will be accommodated on site and will not impact surrounding uses or roadways.

7. That the use will not utilize turning movements in relation to its access to public roads or intersections, or its location in relation to other structures or proposed structures on or near the site that would be hazardous or a nuisance.

The subject site will not create a hazardous or nuisance-causing environment with regards to the turning movements of vehicles. The project has also dedicated right of way for both the future expansion of D Road and Okeechobee Blvd.

8. That the use will not have a detrimental effect on the future development of contiguous properties or the general area, according to the Comprehensive Plan.

The facility will not have a negative effect on the surrounding area nor will it disregard the standards set in place by the Town's Comprehensive Plan. Development of the subject site will not set a precedent of higher intensity construction due to the fact that the use is neither commercial nor residential in nature and serves as a valid need within the community. Adherence to the Future Land Use, Rural Residential – one dwelling unit per 10 acres (RR-10), will be maintained in an effort to preserve the rural and agricultural environment of the local area. In addition, there has been discussion along the Okeechobee Blvd corridor that development be limited to a Floor Area Ratio (FAR) of 0.05. The proposed development has an FAR of 0.41, therefore meeting the Town's policy.

9. That the use will not result in the creation of incompatible noise, lights, vibrations, fumes, odors, dust or physical activities, taking into account existing uses, uses located on contiguous properties, uses in the general area and the zoning in the vicinity due to its nature, duration, direction or character.

The veterinary facility will not produce incompatible externalities to neighboring properties or to uses within the area (Please refer to Response #1). A majority of all of the activity on the Applicant's property will occur within built facilities and will have sufficient separation and buffering from the boundaries of the subject site. Outdoor training and wellness facilities utilized to better the lives of the dogs located at the facility will be maintained and operated within and along Okeechobee Boulevard and in the central area of the subject site, away from neighboring properties.

10. That the use will not overburden existing public services and facilities.

The proposed use, as a Rescued Animal Facility will not overburden existing public facilities. A letter from PBCWUD and a Traffic Statement has been provided as part of the submittal and indicate such.

RESCUED ANIMAL CARE

Pursuant to Section 80-060, Rescued Animal Care, the proposed facility must adhere to additional land development regulations. The development proposal meets all seven (7) review standards, as outlined below.

(A) *Minimum plot size requirements.* Rescued animal care operations may be permitted on properties exceeding ten acres in size.

The proposed Rescued Animal Care facility measures approximately 33.16 acres in size exceeding the ten (10) acre requirement as dictated by the Town Code.

- (B) Accessory uses.** Veterinary services and/or domesticated animal boarding may be permitted as accessory uses as follows: (1) Veterinary services provided by a licensed veterinarian for the care of domesticated animals or native wildlife and/or boarding services for animals currently kept in the rescued animal care facility, or domesticated animals previously adopted, may be offered; and (2) Veterinary services provided by a licensed veterinarian for the care of domesticated animals and/or domesticated animal boarding services may be offered to the public provided that the rescued animal care operation is located on a property that fronts, and has access to, a Town designated Urban Collector or Arterial Highway.

Veterinary services on the subject site are proposed to be offered to animals to be kept within the facility and for animals previously adopted by the facility. In addition, veterinary services are proposed to be offered to the public. The Big Dog Ranch is proposed to be located along Okeechobee Boulevard which is classified as an Urban Collector by the Town of Loxahatchee.

- (C) Accessory residential use.** A rescued animal care facility may include an accessory single-family dwelling to be used as a Caretaker's Quarter.

A 2,720 square foot Caretaker House is proposed along the western edge of the subject property.

- (D) Waste disposal.** A rescued animal care operation shall comply with each of the following standards:

- (1) Palm Beach County Environmental Control Rule (ECR) 1: Onsite Sewage Treatment and Disposal and ECR 2: Drinking Water Supply systems;**
- (2) All applicable rules and regulations of the Florida Department of Environmental Protection (FDEP) and Florida Department of Agriculture and Consumer Services;**
- (3) All applicable rules and regulations of the Palm Beach County Health Department;**
- (4) All applicable rules and regulations of Palm Beach County Animal Care and Control Ordinance;**
- (5) All applicable rules and regulations of the Palm Beach County Solid Waste Authority;**
- (6) All applicable rules and regulations of the Florida Fish and Wildlife Conservation Commission.**

The proposed Rescued Animal Care facility shall adhere to the rules and regulations enacted by the applicable public agencies.

Note that the project meets the PBC Animal Care and Control Standards outlined in Ordinance 98-22.

- (E) Number of animals:** The number of animals permitted, including the number of animals boarded, shall be based upon the physical facility requirements listed in the Palm Beach County Animal Care and Control Ordinance or as permitted by the Florida Fish and Wildlife Conservation Commission, and so indicated as a condition of the Special Exception approval.

The appropriate permitting shall be requested by the Palm Beach County Animal Care and Control Division.

- (F) Outdoor runs:** Outdoor runs or animal exercise areas may be used. If used, such facilities shall be located a minimum of 200 feet from a directly abutting residential zoning district, be hard surfaced or grassed with drains provided even ten feet and be connected to a central or individual sanitary facility approved by the Palm Beach County Health Department. A minimum six-foot high chain-link fence, or other enclosure appropriate to the animal being served, shall be required around outdoor runs. A continuous solid opaque hedge a minimum of four feet at installation shall be provided around a chain-link fenced outdoor run area. Outdoor runs shall not be used earlier than 7:00 a.m. and later than 8:00 p.m. seven days per week.

The proposed outdoor facilities for rescued animals on the subject site shall abide by the requirements in place and meet the minimum 200' setback requirement. Each outdoor exercise area will be appropriately screened with opaque fencing, surfaced and located internal to the site.

- (G) Architecture:** A rescued animal care facility shall be designed to reflect the Town's Rural Vista Guidelines in effect at the time of Special Exception approval.

Acknowledged, the proposed Rescued Animal Care facility shall abide by the Town's Rural Vista Guidelines.

SITE PLAN

Section 155-020 lists review standards for Site Plans. The development proposal meets all four (4) of the substantive requirements, as outlined below.

A. Conformance to the approved and/or recorded plat, if applicable.

The proposed request will not have an adverse impact on the approved and recorded plat (Loxahatchee Groves, Book 12, Page 29). The Applicant will address any and all platting issues as they arise.

B. Consistency with the Town of Loxahatchee Groves' Comprehensive Plan.

The proposed Site Plan and Special Exception request for a Rescued Animal Facility is consistent with the Town's Comprehensive Plan, including standards for building and structural densities and intensities of use. The subject site will have a floor area ratio of 0.041 with a total square footage of 59774. The floor area ratio for the proposed Rescued Animal Facility is well below the maximum intensity of 0.2 for non-residential uses within the land use category found within the Town's Comprehensive Plan. The proposed request is consistent with the Purposes, Goals, Objectives and Policies of the Comprehensive Plan. The project provides services that contribute to livable communities and adhere to growth management principles.

C. Conformity to the Town of Loxahatchee Groves ULDC.

Agricultural and live animal uses exist throughout the AR Zoning District and the Rescued Animal Facility is consistent with the goals of the Town Code. The proposed use conforms to the purpose and intent of the district with regards to preserving and enhancing the rural and agricultural character of the community and will continue to reinforce the low density nature of the surrounding area. Below is a summary of the project's compliance with the ULDC:

	Required	Provided
Pervious Area	30% Min.	85%
Impervious Area	70% Max.	15%
Building Coverage	15% Max.	4.9%
Building Height	35' Max.	35' Max.
Front Setback	100' Min.	135'
Side Internal Setback	50' Min.	287'
Side Street Setback	80' Min.	131'
Rear Setback	50' Min.	248'
Lot Size	5 ac. Min.	33.16 ac.
Lot Width	200' Min.	1,293'
Lot Depth	200' Min.	1,114'

Furthermore, it is a mission of the Applicant to maintain as much of the existing vegetation and natural features as possible on the property and to dedicate portions of the subject site to open space areas.

D. Conformity to the water control district's requirements and regulations

The proposed request for a Rescued Animal Facility for the subject property will not have any adverse impact upon the water control district's requirements and regulations nor will it affect any other public facilities.

Based on the above and attached information, the Petitioner respectfully requests the approval of this request.

ATTACHMENT C
Big Dog Ranch Site Plan: SP 2014-01
Final Conditions of Approval

GENERAL

1. The conditions of approval herein shall apply to the Owner, Applicant and their successors and assigns.
2. Development of the site is limited to the uses approved by the Town of Loxahatchee Groves in Exhibit A (Big Dog Ranch Final Site Plan). The approved Final Site Plan is dated April 10, 2015 All modifications to the Final Site Plan must be approved by the Town Council unless the proposed changes are required to meet conditions of approval or are in accordance with ULDC Section 155-005(B), as determined by the Town Manager.
3. Prior to submittal of any building permit applications for processing by Palm Beach County, the Town Engineer shall review and the Town Manager shall approve the following plans for consistency with the ULDC: Schematic water, sewer, paving and drainage plan, landscape plan, parking facility lighting plan and floor plans.
4. The location of 1.0 acres of preserve area shall be identified on the Final Site Plan.
5. An annual payment in lieu of taxes (PILOT) contribution of \$7,000 shall be made to the Town of Loxahatchee Groves. Credits shall be applied to future PILOT payments for "D" Road OGEM improvements per Engineering Condition 5 until such time that the improvements are completed.

USE LIMITATIONS AND REQUIREMENTS

1. The floor-area-ratio of all buildings and enclosed structures shall not exceed 0.0414.
2. Veterinary services and dog boarding as accessory uses may be provided by a licensed veterinarian for adopted or previously adopted animals. Veterinary services and dog boarding as accessory uses may be also be provided by a licensed veterinarian to the public for evening and weekend emergency care services provided that the facility maintains direct access to Okeechobee Boulevard.
3. An accessory caretaker unit may be provided.
4. The number of dogs allowed shall be based upon square footage of the facility and PBC Animal Control Center and Florida Fish and Wildlife Conservation Commission regulations.
5. Outdoor animal runs shall be located a minimum of 200 feet from a directly abutting residential zoning district, be permeable hard surfaced or grassed with drains every 10 feet and be connected to a central or individual sanitary facility approved by the PBCHD.

6. A minimum 6-foot high vinyl chain-link fence enclosing the entire property shall be provided, as indicated on the Final Site Plan dated April 10, 2015.
7. Separate, minimum 6-foot high vinyl opaque fences shall be required around each outdoor run area.
8. Outdoor runs shall not be used earlier than 7:00 a.m. or later than 8:00 p.m. seven days per week.
9. Swing gates shall be installed at the Okeechobee Boulevard and "D" Road entrances.
 - a. The gate along Okeechobee Boulevard shall be used as the primary facility access and open to the public from 10am to 6pm. Said gate shall be accessed after hours only by managerial and veterinary staff.
 - b. The gates along D Road shall be located a minimum of 35 feet from the western property line.
10. A periodic sound monitoring program shall be approved by the Town Council prior to issuance of the initial Certificate of Occupancy.
11. A 15-foot horse trail easement shall be dedicated to the Town of Loxahatchee Groves along the Okeechobee Boulevard and "D" Road frontages of the property.

ARCHITECTURAL

1. Building sidings and signs materials shall mimic wood lap siding.
2. Trim shall be applied at the corners of buildings.
3. Wall breaks on the larger buildings shall be enhanced by using arcades, banding, and projections.
4. Arcades (porch) shall be used as a means of creating human scale along the fronts of buildings.
5. Metal roofing shall be used on all buildings.
6. Mansard roofs and other vertical elements shall be used to break up the roof line.
7. Integration of complex window elements on buildings shall be used.
8. Mechanical and service areas shall be screened from public view.
9. Signage shall mimic building architecture.

10. The acoustic design guidelines recommended by Edward Dugger Associated, P.A. (EDA) in the report entitled "Big Dog Ranch – New Facility Acoustic Report – p2", dated April 1, 2015 shall be incorporated within the construction of the project.

ENGINEERING

1. Consistent with the Palm Beach County Mandatory Traffic Performance Standards criteria in place at the time of this approval, no building permits for the site shall be issued after December 31, 2020. A time extension for this condition may be approved by the Town Engineer based upon an approved traffic study which complies with Mandatory Traffic Performance Standards in place at the time of the request.
2. During the plat process the Okeechobee Boulevard and "D" Road rights-of-way, as indicated on the Final Site Plan shall be dedicated to Palm Beach County and the Town, respectively.
3. An Irrigation plan shall, to be reviewed by the Town Engineer and approved by the Town Manager shall be included with documents submitted to Palm Beach County for building permit approval.
4. Sufficient right-of-way on "D" Road shall be dedicated to the Town for a northbound right turn lane at its intersection with Okeechobee Boulevard.
5. At the property owner's expense, an OGEM surface shall be applied to "D" Road, according to Loxahatchee Groves Water Control District specifications, from Okeechobee Boulevard to the southern property line, a distance of approximately 1,115 feet.
6. A 30-foot roadway right-of-way dedication shall be made to the Town of Loxahatchee Groves along the "D" Road frontage, including a 25-foot corner clip at the intersection of "D" Road and Okeechobee Boulevard.

LAND CLEARING AND LANDSCAPING

1. Any land clearing activities shall comply with the permit requirements of Article 87 "Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal" of the Loxahatchee Groves Unified Land Development Code. Included in the required land clearing permit application, a "Created Ecological Community Installation and Management Plan" shall be submitted for the 0.99 acre "Reserve" to satisfy the requirements of ULDC Section 85-025 (C) "*Preserved/created ecological communities.*" If an Alternative Mitigation plan is proposed, such plan shall be approved by the Town Council prior to the issuance of a General Permit.
2. Project landscaping shall conform to the Landscape Plan dated December 30, 2014.
3. Prior to demolition of any structures, the Florida Dept. of Health shall be contacted regarding Asbestos removal.
4. The Agility Course and all Dog Runs and Supervised Dog Areas shall be covered by natural turf grass or permeable artificial surface.

5. A continuous solid opaque hedge, a minimum 4-feet high at installation, shall be required around the perimeter of the entire 33.16 acre property. All hedging shall be included as part of the Phase 1 improvements and permanently maintained at a height of 6-feet.

EXTERIOR LIGHTING

1. A Photometric Plan shall be submitted for review by the Town Engineer and approved by the Town Engineer and Town Manager prior to submittal of the initial building permit application.

2. All exterior lighting shall be directed downward and contain shields to contain lighting within the property boundaries.

PALM TRAN

1. Not Applicable.

PARKING AND LOADING

1. All parking and loading shall occur on site as indicated on the approved Final Site Plan dated April 10, 2015.

2. Prior to the issue of the initial building permit, the Final Site Plan shall be revised to indicate loading area dimensions that meet the ULDC minimum requirement of 12 feet x 45 feet.

SIGNS

1. Sign permit applications shall be submitted to the Town as required by ULDC Section 90-070 *Sign permit requirements*

2. Mandatory building identification signs (maximum sign face of 4 sq. ft.) shall be attached to each structure.

UTILITIES AND SERVICES

1. A Developer's Agreement shall be executed by the Property Owner and the Palm Beach County Water Utility Department and approved by the Town of Loxahatchee Groves for the provision of central water and wastewater services to the project prior to issuance of the first project building permit.

2. Solid waste collection and disposal shall be accomplished by contract between the Property Owner and a third-party hauler prior to issuance of the initial certificate of occupancy.

3. The on-site animal waste collection and disposal system shall consist of the following:

a. Indoor Program: Built-in pressure washers and drains tied directly to the sewer system. All fecal matter and urine from inside the buildings shall be sprayed into the drains. Drains

shall be periodically flushed into the sewer system. Kennel cleaners and sanitizing agents shall be used daily.

b. Out-of-Doors Program: "DogiPot" stations (i.e. covered metal trash cans with a supply of collection bags shall be placed around the property. Fecal matter will be policed and placed in "DogiPot" receptacles. "DogiPot" bags shall be collected and placed in covered trash dumpsters up to four times daily by Big Dog staff. Dumpsters shall be emptied and removed from the property a minimum of three times per week by the contracted third-hauler for ultimate disposal.

3. The operation shall comply with the following waste disposal standards, as appropriate: (1) PBC ECR 1 and ECR 2 and (2) rules of FDEP, FFWCC, PBCHD and PBCSWA.

4 Prior to a Certificate of Occupancy for Phase 1, the Florida Dept. of Health shall be contacted regarding the need for bio-medical hazardous waste permits.

5. Buildings of 5,000 sq. ft. and larger shall contain automatic sprinkler systems.

ATTACHMENT D
Big Dog Ranch Final Site Plan: SP 2014-01
DRC Comments and Applicant Responses

PBC COOPERATIVE EXTENSION SERVICE COMMENTS:

1. I have reviewed the plans for this rather ambitious project. It seems as though the number of animals per acre is not excessive and although the concept appears to be well thought through, I am not knowledgeable about the building requirements, fire codes and any specialized building requirements for the Vet. Clinic. Is there any resistance from surrounding residents about the proposed number of animals on this site?

Response: At the time of submittal, no resistance from surrounding residents, regarding the proposed number of animals has been presented to the Applicant.

FLORIDA DEPARTMENT OF HEALTH COMMENTS:

1. Prior to demolition of existing buildings, applicant needs to contact Mr. Alex Ortega (561-837-5963) with the Florida Department of Health to discuss Asbestos regulations.

Response: Acknowledged, the Applicant will contact Mr. Ortega prior to the demolition of existing buildings.

2. Water and wastewater connection will be required. Proof of concurrency needed.

Response: Acknowledged, the appropriate connections will be made for water and wastewater services.

3. Bio-medical and hazardous waste permits will be required.

Response: Acknowledged, the appropriate permits will be submitted following the approval process.

SOLID WASTE AUTHORITY COMMENTS:

1. I have reviewed the application, and I have no comments concerning solid waste management issues.

Response: Acknowledged.

PBC FIRE-RESCUE COMMENTS:

1. Water supply for fire flow requirements for buildings.

Response: Acknowledged.

2. Buildings 5000 square feet and over automatic sprinkler systems shall be installed.

Response: Acknowledged.

ENGINEERING CONSULTANT COMMENTS:

1. Please provide the projects drainage statement describing the proposed stormwater management system.

Response: A Drainage Statement was provided as part of the initial submittal. Copies have been provided again, as part of the resubmittal for your reference.

2. Provide a 25' corner clip at the intersection of Okeechobee Boulevard and D Road.

Response: Acknowledged, a 25' corner clip has been provided at the intersection of Okeechobee Boulevard and D Road.

3. Provide a 20' Easement along D Road dedicated to the town for Roadway, Drainage and Utility Purposes (We may want to consider road R/W).

Response: Acknowledged, a 31' right-of-way has been provided along D Road.

4. Please provide a copy of the landscape plan.

Response: Acknowledged, a copy of the revised Landscape Plan has been provided as part of the resubmittal.

5. Describe the proposed sanitary sewer system that will serve the site. Include the location of a private lift station, if necessary.

Response: The site is served by a private lift station, gravity sewer system and force main connecting into the PBCWUD owned force main within Okeechobee Road R/W adjacent to the site. The location of the lift station, gravity sewer and force main is shown on the conceptual engineering plans.

6. It is anticipated that PBCWUD will require a looped water system to provide service to the site. The proposed water main shall be publically owned and installed within the 20' Easement dedicated to the Town. The proposed water main shall be constructed to the southern property limits of the site.

Response: The conceptual engineering plan shows a looped water main coming internal to the project and going to the south property line. We have already met with PBCWUD and they will be requiring that this portion of the water main from Okeechobee Road to the south property line of the property will be dedicated to PBCWUD by easement and bill of sale to them.

7. Was an Alta Survey required for the site plan submittal? If so, please provide a copy for our review.

Response: A copy of the Survey has been provided as part of the resubmittal.

8. Provide a typical parking stall detail with wheel stops or curb. Identify vehicle overhang if applicable.

Response: Acknowledged, a typical parking stall detail has been provided as part of the resubmittal.

9. There appears to be angular parking stalls along the west side of the site. Please provide a detail for review.

Response: No angled parking is being proposed at this time.

TRAFFIC CONSULTANT COMMENTS:

1. Please provide a detail and description of what type of gates (i.e., rolling, swinging, etc.) will be utilized at the project access points.

Response: The proposed gates along Okeechobee Boulevard and D Road are swing gates.

2. Provide a narrative in the justification statement outlining the utilization of the gates at the project access points. More specifically, time periods when the gates will be open and who will have access.

Response: The Justification Statement has been revised to provide information as to the utilization of the proposed gates on site.

3. Relocate gates as far away from the right-of-way as possible at each project access point.

Response: The proposed gates have been located as far as possible from the right-of-way.

4. Dimension throat distance at each project access point measured from the ultimate right-of-way line to 1.) the location of the proposed gates and 2.) the first conflict point.

Response: The requested dimensions have been provided on the revised Site Plan.

5. Provide a parking detail clearly showing dimensions of the typical parking stalls to be utilized.

Response: A Parking Detail with the appropriate dimensions has been provided as part of the resubmittal.

6. Clearly identify the centerline of both Okeechobee Boulevard and "D" Road.

Response: The centerlines for both Okeechobee Boulevard and D Road have been included on the revised Site Plan.

7. Dimension the existing and/or ultimate right-of-way for Okeechobee Boulevard and "D" Road.

Response: The right-of-ways for Okeechobee Boulevard and D Road have been dimensioned on the revised Site Plan.

8. Show the required safe sight triangle (corner clips) at all project access points.

Response: The required safe sight triangles have been identified on the revised Site Plan.

9. The Site Plan calls out a portion of the development as retail, but does not address a retail component in the traffic study.

Response: The Visitor Center building proposed for the subject site is not retail in nature. The classification of the use as retail was utilized for the calculation of parking spaces due to the lack of compatible uses in the Town Code. As such, the Visitor Center was not identified as a retail use within the Traffic Study.

10. Provide a copy of the traffic study for the Folke Peterson Center for Animal Welfare.

Response: Acknowledged, a copy of the Traffic Study for the Folke Peterson Center for Animal Welfare has been provided as part of the resubmittal.

11. Please justify the large discrepancy between the minimal amount of trips outlined by the programmatic approach in the traffic study and the proposed 133 parking study.

Response: Please refer to the revised Traffic Study.

12. Please provide project build-out date in traffic study.

Response: Please refer to the revised Traffic Study, which indicates a build out year of 2020.

ATTACHMENT E

Big Dog Ranch New Facility Acoustic Report Edward Dugger Associates, P.A. April 1, 2015

TRANSMITTAL

Date: 1 April 2015

To: Donna Casamento Big Dog Rescue Ranch 1090 Jupiter Park Drive Jupiter, FL
334581090

From Edward Dugger, AIA ASA NCAC INCE

Re: **Big Dog Rescue Ranch – New Facility
Acoustic Report – p2 Loxahatchee Groves
10948 Acme Road
Wellington, FL 33414
ED+A 15731**

Number of pages included with this sheet: 9

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☒ FOR YOUR USE

On the morning of March 3rd, 2015 Edward Dugger and Tim Donley from Edward Dugger + Associates (ED+A) visited the existing Big Dog Ranch Rescue facility on 10948 Acme Rd, Wellington to collect data for this study. The purpose of this study is to provide a comparison of the existing Big Dog Ranch Rescue facility noise levels with the ones expected at the proposed facility. Additionally, this study will provide the acoustic guidelines and design criteria required for the new facility in order to meet the goal of “nuisance noise not audible beyond the property boundaries”.

Big Dog Rescue Ranch – New Facility Acoustic Study Loxahatchee Groves, Florida

Introduction

Edward Dugger and Tim Donley of Edward Dugger + Associates (ED+A) arrived at the Big Dog Rescue Ranch to record noise levels at various locations around the property and to place a digital audio recorder to capture a 24 hour audio wave file for additional acoustical analysis. This report will provide recommendations for the new facility to be built in Loxahatchee Groves on Okeechobee Road and D Street.

Data was collected from this location and at the proposed new facility location. Data was also collected on March 3rd and 4th from one other facility in Palm Beach

County. Peggy Adams Rescue League is of similar purpose and construction as the proposed new facility. The new facility is to be located in rural Loxahatchee Groves at the southeast corner of Okeechobee Road and D Street on approximately 34 acres. This area is largely made up of agricultural farms and equestrian farms intermixed with residential properties.

Measurement equipment

The sound measurements were taken using a Bruel & Kjaer (B&K) model 2270 sound level meter/analyzer (Type 1). The B&K 2270 has current annual calibration certificates, dated 18 February 2015, and was field calibrated using a B&K model 4231 calibrator immediately before the field measurements were taken. The 24 hour audio recordings were done using a TASCAM DR-07 Mk II, Linear pulse-code modulation (LPCM) digital recording device. The Tascam recorder was field calibrated using a B&K model 4231 calibrator immediately before the field measurements were taken. The TASCAM wave files were then post-processed in house using B&K Logging software and by Studio 6 Digital software via an iPad. All equipment was fitted with microphone windscreens.

Existing Big Dog Rescue Ranch

The existing Big Dog Rescue Ranch is located on property that was formerly occupied by a wildlife sanctuary accommodating a variety of wildlife species including birds, monkeys, cats, and dogs. The existing buildings are composed of a variety of construction methods and materials that do not provide any significant noise isolation.

At present only dogs of every size and breed are accommodated on this property for care and eventual adoption. The dogs are housed in kennels sized by breed. Some of the kennels are inside the buildings. Others are outside in open air roofed pens. There are recreation areas, runs, and a swimming pool where the dogs are exercised in various groups, always with supervision.

For the purpose of our acoustic measurements the TASCAM digital audio recorder was located in the gazebo approximately 80 ft. north of the large dog kennel which is known as the “monkey” pen. The TASCAM recorded audio for approximately 24 hours. The handheld B&K device was used to measure acoustic events at various locations around the property including the play areas, pools, puppy pods, at 200 feet north of the north west corner of the property, the equestrian trail to the west at the dog runs and adjacent to the front building entrance, the northeast property boundary, and the intersection of Acme Road and 106th Avenue South which is to the east.

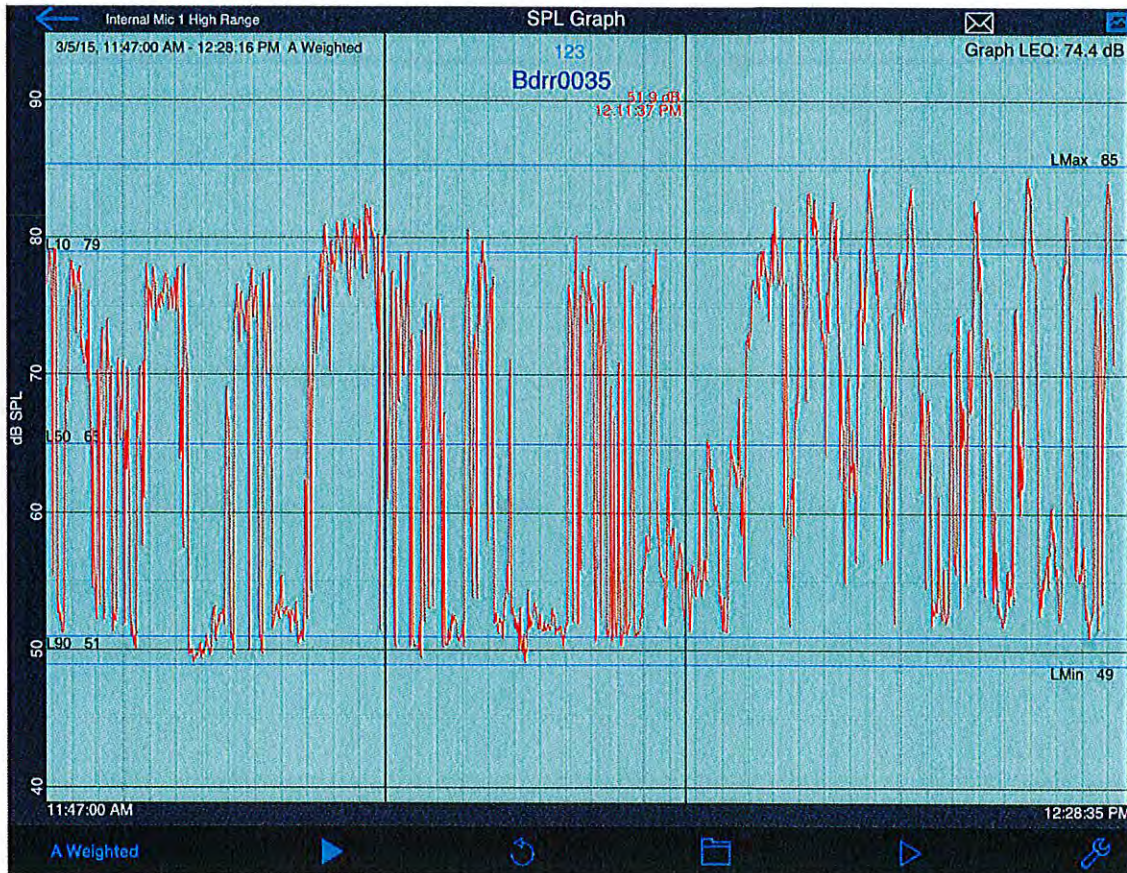
It was observed dogs unattended in the kennels would bark when a person passed nearby. Then other dogs would start barking for a few minutes. Dogs in recreation runs and the pool area, where the attendants were supervising the play activities, typically were not barking.

Below are graphs comparing the noise at the existing Big Dog Rescue Ranch to the noise at the existing Peggy Adams Rescue League building. The Peggy Adams Rescue League building features similar acoustic details to those ED+A will be recommending for the new Big Dog Rescue Ranch facility. The second graph also illustrates the noise reduction that can be expected at the new facility when it is built.



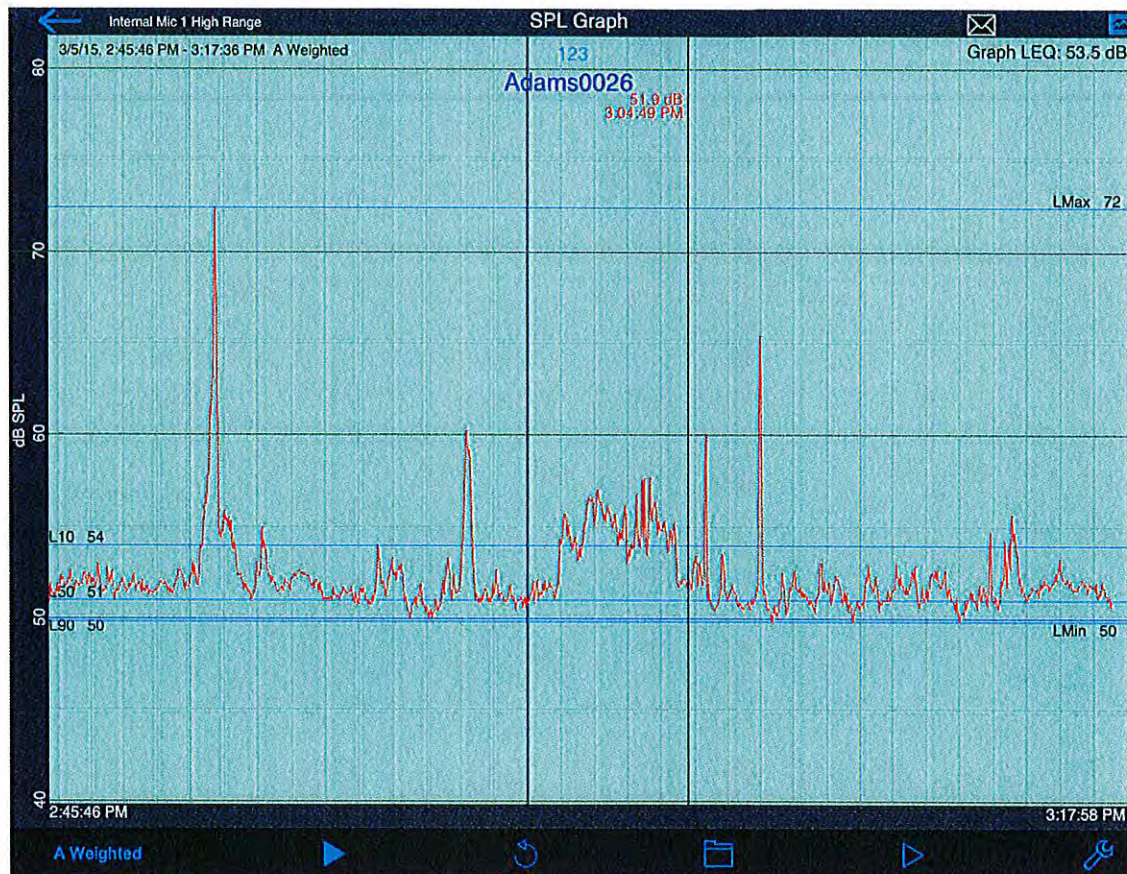
EDWARD DUGGER + ASSOCIATES, P.A.
Consultants in Architectural Acoustics

- The first graph was recorded at the Big Dog Rescue Ranch in the gazebo about 80 ft. from the big dog kennel and the "Monkey" pen. This 30 minute recording has a value of **LEQ 74.4 dB**.



1239 SE Indian Street, Suite 103, Stuart, Florida 34997
T: 772-286-8351 f: 772-600-3613 www.edplusa.com AA26000667

- The second graph was recorded at the Peggy Adams Rescue League in the east parking lot about 80 ft., from the kennel building.
This 30 minute recording has a value of **LEQ 53.5 dB**



The Peggy Adams Rescue League facility the recordings were taken at 80 ft. from the noise source and are observed at ambient background noise levels except when the kennel door is opened for a short duration. The 2:47:00 pm spike is from a passing motorcycle and the 3:04:15 pm to 3:05:26 pm spike is from a passing helicopter.

Measurement Summary

At 80 ft. from noise source:

Big Dog Rescue Ranch	= Leq 74.4 dBA for 30 minutes
Peggy Adams Rescue League	= Leq 53.5 dBA for 30 minutes
Noise reduction	= Leq 20.9 dBA

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T: 772-286-8351 f: 772-600-3613 www.edplusa.com AA26000667

Every 10 dBA of noise reduction is perceived as half the sound level. Therefore 20.9 dBA represents approximately 200% in noise reduction by human hearing.

Peggy Adams Rescue League

This facility includes construction details that we recommend using for the new Big Dog Rescue Ranch buildings. The facility is at 3100/3200 North Military trail in a residential area with homes as near as 150 ft. south east of the adoption kennel.

Ponte Verde Condominiums are 600 ft. to the north of the adoption kennels.

The kennel building was purpose built about 4 ½ years ago. This building has the advantage of utilizing dense construction materials that result in a structure with high mass properties. One important criterion when attenuating noise is commonly referred to “mass law”, which utilizes materials such as poured concrete, concrete block, heavy steel doors, and impact resistant windows. These materials also serve as excellent “protective” materials during hurricanes.

The following list of materials and equipment demonstrates why this kennel building is successful at attenuating noise:

- Cement block construction
- Concrete slab floor
- Concrete roof deck 4” thick
- Impact rated windows of high Sound Transmission Class (STC)
- Steel doors with perimeter seals and threshold seals creating high STC ratings.
- Ventilation system with noise attenuation devices (mufflers) on the building interior supply, interior return, and the exterior exhaust ducting.

Acoustic measurements were taken with the B&K meter in the kennel building, 10 ft. outside the kennel building (with the door open and door closed into the kennel building), and 80 ft. across the parking lot next to the TASCAM recorder location.

The TASCAM digital recorder was secured about 80 ft. east of the kennel building, across the parking lot. The recorder was shadowed from the street. The HVAC chiller and refrigeration units cycle on and off in the background. Also, on this side of the building are located the fresh air intake and exhaust grilles above the window line.

There was not any audible noise through the grille work. The dogs were audible only when the doors opened. See the above graph comparing the sound for the 30 minute time interval with the Big Dog Rescue Ranch.

The Peggy Adams Rescue League facility is a fine example of acoustic construction for a dog kennel facility. The concerned parties for this project would do well to arrange a “field trip” to experience how effective a purpose built facility will reduce noise firsthand.

Acoustic Design Guidelines for the New Big Dog Rescue Ranch

Architectural drawings were not available at the time of this report. Only renderings of the buildings were received. ED+A is providing the following acoustic guidelines for the architect to incorporate into the architectural drawing set. When the Construction Documents become available we will review the drawings and look for these recommendations to be incorporated into the design.

1. Cement block wall construction
2. Concrete slab floor
3. Ceiling and wood truss roof construction, starting with the kennel ceiling:
 - ACT ceiling with $NRC = 0.70$ or higher
 - 2ft. interstitial space for HVAC and mechanical systems
 - 3 layers 5/8” GWB secured to the bottom of the truss
 - Mineral wool insulation above the GWB
 - Iso Foam insulation sprayed on the underside of the roof sheathing
 - The attic space non vented to the outside

This matrix of treatment would equal the isolation properties of the 4” concrete roof slab as built at Peggy Adams facility.
4. Impact rated windows of high Sound Transmission Class (STC) $STC = 40$
5. Steel doors with perimeter seals and threshold seals creating $STC = 40$ on all doors into the kennel spaces
6. Ventilation system with noise attenuation devices (mufflers) on the building interior supply, interior return, and the exterior exhaust ducting
7. HVAC system specifically designed for the unique use
8. All interior ceilings of the new building are to have ACT with a NRC of 0.70 or higher which are also mold and mildew resistant

ED+A has does not have concerns regarding dog nuisance noise emanating from the new facility provided the above listed recommendations are implemented in the new construction.

Sound Travel Over Distance:

The illustration below indicates how sound levels are perceived over distance. This has been based on the loudest peak dog bark (85 dBA) recorded at the existing Big Dog Rescue Ranch. Dogs barks typically are in the 75 to 85 dBA range at 1 meter distance away. This dBA reading has been calculated over the distances shown on the illustration to indicate the expected sound level at the distances shown. Given this acoustic study, it would be difficult to perceive the dog bark outside above ambient sound levels (typically between 50 and 60 dBA) given the large distances involved. In the evening hours the dogs are secured in the building that has been fortified to reduce noise outside the building to ambient noise levels.



1239 SE Indian Street, Suite 103, Stuart, Florida 34997
T: 772-286-8351 f: 772-600-3613 www.edplusa.com AA26000667

We have calculated the sound levels based on collected data and the relocated Boarding Dog Housing buildings to the east side of the property with solid vinyl fencing around the outside play area.

- The Boarding Dog Housing building is located 480 ft. from the nearest property line. The closed building measurement at the property line would exhibit a measurement less than 42.9 dBA. This is lower than the average ambient sound levels of 45 to 50 dBA in the evening. The 42.9 dBA sound measurement is 12 dBA below the 55 dBA sound ordinance requirement.
- The Boarding Dog Housing outdoor play area is 432 ft. from the nearest property line. The outdoor play area surrounded *with solid vinyl fencing*, measurement at the property line would exhibit a measurement of 52.4 dBA. This is lower than the ambient recorded daytime sound levels that averaged 71.9 at the northern property line on Okeechobee Road. The 52.4 sound measurement is 2.6 dBA below the 55 dBA sound ordinance requirement.

Please call us if you have any questions regarding our report.

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2013-03

AN ORDINANCE OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING THE TOWN OF LOXAHATCHEE GROVES UNIFIED LAND DEVELOPMENT CODE (ULDC), TO AMEND ARTICLE 20, ENTITLED "RESIDENTIAL ZONING DISTRICTS," SECTION 20-015, ENTITLED "PERMITTED USES" TO ADD "RESCUED ANIMAL CARE" AS A PERMITTED PRINCIPAL USE SUBJECT TO ARTICLE 80 AND TO A SPECIAL EXCEPTION IN THE AGRICULTURAL RESIDENTIAL (AR) ZONING CATEGORY; AMENDING ARTICLE 80, ENTITLED "CONDITIONAL USES" TO CREATE A NEW SECTION 80-060, ENTITLED "RESCUED ANIMAL CARE," TO PROVIDE FOR REGULATIONS RELATING TO RESCUED ANIMAL CARE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, In response to a privately initiated application by Big Dog Ranch Rescue, Inc. to allow veterinarian services and dog boarding as permitted accessory uses in the Agricultural Residential zoning district, the Town's Planning Consultant has prepared a proposed amendment to the Town's Unified Land Development Code (ULDC) to permit "Rescued Animal Care" as a permitted principal use in the Agricultural Residential (AR) Zoning Districts, subject to regulations in Article 80 and a special exception, and to create a new Section 80-060, to be entitled "Rescued Animal Care" to provide regulations for such use; and,

WHEREAS, the Town's Planning and Zoning Board considered the proposed ULDC amendments at its May 23, 2013, meeting and pursuant to Chapter 163, Part II, Florida Statutes, recommended that the Town Council approve the amendments to the ULDC as worded in Attachment A hereto; and,

WHEREAS, the Town Council of Town of Loxahatchee Groves finds that the adoption of this ordinance, to permit "Rescued Animal Care" as a permitted principal use in the Agricultural Residential (AR) Zoning Districts, subject to regulations in Article 80 and a special exception, and to create a new Section 80-060, to be entitled "Rescued Animal Care" to provide

regulations for such use, is consistent with the Town's Comprehensive Plan, and in the best health and welfare interests of the Town, its property owners and residents.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA:

Section 1: That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

Section 2: That the Town Council of the Town of Loxahatchee Groves, hereby amends the Town's Unified Land Development Code (ULDC) to permit "Rescued Animal Care" as a permitted principal use in the Agricultural Residential (AR) Zoning Districts, subject to regulations in Article 80 and a special exception, and to create a new Section 80-060, to be entitled "Rescued Animal Care" to provide regulations for such use, as set forth in **Attachment "A"**, and incorporated herein by reference.

Section 3: Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 4: Severability. If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

Section 5: Codification. The Town Clerk shall cause this ordinance to be codified as a part of the ULDC.

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~~Strike thru~~ represents deleted text, and underline represents added text.

Section 6: Effective Date. This ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 4th DAY OF JUNE, 2013.

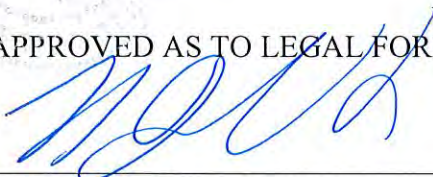
PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS 18th DAY OF JUNE, 2013.

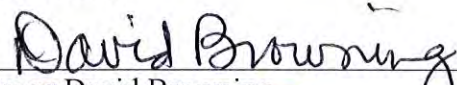
**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

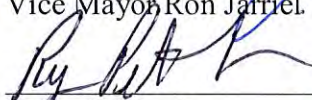

TOWN CLERK

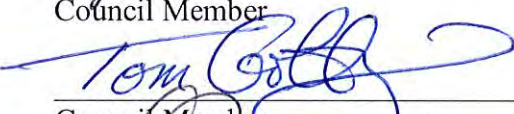
APPROVED AS TO LEGAL FORM:

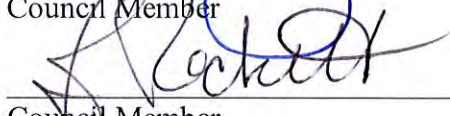

Office of the Town Attorney


Mayor David Browning


Vice Mayor Ron Jarriel


Council Member


Council Member


Council Member

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~~Strike-thru~~ represents deleted text, and underline represents added text.

ATTACHMENT A – Ordinance 2013-03

Rescued Animal Care Conditional Use Provisions
(Underlined text is to be added; ~~Struck through~~ text is to be deleted)

(Ref: Following Page)

A-1

Section 20-015. Permitted uses.

Plots located in the Agricultural Residential (AR) zoning districts may be used for the following specified uses.

Principal Uses	Agricultural Residential (AR)
Single Family Dwelling	Permitted
Mobile Home	Permitted w/Special Exception
Public Schools	Permitted
Congregate Living Facility, Type I	Permitted
Non-Profit Community Recreational Facilities	Permitted w/Special Exception
Essential Services	Permitted
Commercial Equestrian Operations	Permitted w/Special Exception
Wholesale Nursery	Permitted
Retail Nursery	Permitted w/Special Exception
Aviculture	Permitted subject to Article 80
Commercial Kennels	Not Permitted
Chipping and Mulching	Permitted subject to Article 80
Feed Lots	Not Permitted
Commercial Animal Manure Management	Not Permitted
Commercial Chipping and Mulching	Permitted subject to Article 80
Rescued Animal Care	Permitted <u>subject to Article 80 and to a</u> w/Special Exception
Outdoor Events	Permitted w/Special Exception
Agriculture	Permitted
Bona Fide Agriculture	Permitted
Wireless Communication Facilities	Permitted w/Special Exception

Accessory Uses*	Agricultural Residential (AR)
Accessory Dwelling	Permitted
Groom's Quarter	Permitted
Caretaker's Quarter	Permitted
Home Offices	Permitted subject to Article 80
Residential Enterprise	Permitted subject to Article 80
Wholesale Nursery	Permitted
Retail Nursery	Permitted w/Special Exception
U-Pick Farms	Permitted w/Special Exception
Private Kennels	Permitted
Private Stables	Permitted
Yard Sales	Permitted subject to Article 80

Section 80-060. Rescued Animal Care.

A rescued animal care facility is defined as a not for profit institutional establishment or private animal non-profit organization that is used for the protection of unwanted or abandoned domesticated animals or native wildlife, the use of which may include sheltering, adoption, fostering, providing rescue or old age homes, medical or behavioral rehabilitation.

Domesticated animal is defined in Section 10-015: *Definitions* of this code, and shall, for the purposes of this section, include any equine or bovine animal, goat, sheep, swine, domestic cat, dog, poultry, ostrich, emu, rhea or other domesticated beast or bird. For the purposes of this section, the term domesticated shall mean adapted to life in intimate association with and to the advantage of humans.

Native wildlife, for the purposes of this section, shall mean all wild or non-domestic birds, mammals, fur-bearing animals, reptiles, and amphibians, as determined by the Florida Fish and Wildlife Conservation Commission.

Permits for rescued animal care operations shall be subject to the granting of a Special Exception and the following limitations:

- (A) Minimum plot size requirements. Rescued animal care operations may be permitted on properties exceeding ten acres in size.
- (B) Accessory uses. Veterinary services and/or domesticated animal boarding may be permitted as accessory uses as follows: (1) Veterinary services provided by a licensed veterinarian for the care of domesticated animals or native wildlife and/or boarding services for animals currently kept in the rescued animal care facility, or domesticated animals previously adopted, may be offered; and (2) Veterinary services provided by a licensed veterinarian for the care of domesticated animals and/or domesticated animal boarding services may be offered to the public provided that the rescued animal care operation is located on a property that fronts, and has access to, a Town designated Urban Collector or Arterial Highway.
- (C) Accessory residential use. A rescued animal care facility may include an accessory single-family dwelling to be used as a Caretaker's Quarter.
- (D) Waste disposal. A rescued animal care operation shall comply with each of the following standards:

- (1) Palm Beach County Environmental Control Rule (ECR) 1: On-site Sewage Treatment and Disposal and ECR 2: Drinking Water Supply systems;
 - (2) All applicable rules and regulations of the Florida Department of Environmental Protection (FDEP) and Florida Department of Agriculture and Consumer Services;
 - (3) All applicable rules and regulations of the Palm Beach County Health Department;
 - (4) All applicable rules and regulations of Palm Beach County Animal Care and Control Ordinance;
 - (5) All applicable rules and regulations of the Palm Beach County Solid Waste Authority;
 - (6) All applicable rules and regulations of the Florida Fish and Wildlife Conservation Commission.
- (E) Number of animals: The number of animals permitted, including the number of animals boarded, shall be based upon the physical facility requirements listed in the Palm Beach County Animal Care and Control Ordinance or as permitted by the Florida Fish and Wildlife Conservation Commission, and so indicated as a condition of the Special Exception approval.
- (F) Outdoor runs: Outdoor runs or animal exercise areas may be used. If used, such facilities shall be located a minimum of 200 feet from a directly abutting residential zoning district, be hard surfaced or grassed with drains provided every ten feet and be connected to a central or individual sanitary facility approved by the Palm Beach County Health Department. A minimum six-foot high chain-link fence, or other enclosure appropriate to the animal being served, shall be required around outdoor runs. A continuous solid opaque hedge a minimum of four feet at installation shall be provided around a chain-link fenced outdoor run area. Outdoor runs shall not be used earlier than 7:00 a.m. and later than 8:00 p.m. seven days per week.
- (G) Architecture: A rescued animal care facility shall be designed to reflect the Town's Rural Vista Guidelines in effect at the time of Special Exception approval.

enlargement or modification of an existing special exception use require the authorization of the Town Manager and notification to the Town Council. Category C special exception uses require the authorization of the Town Manager.

- (C) Category A Special ~~special~~ exception uses are matters that are quasi-judicial in nature as defined by Section 120-020: "Ex parte communications on quasi-judicial proceedings prohibited". All matters that are defined as quasi-judicial in nature shall utilize the quasi-judicial hearing procedures set forth therein. The petitioner shall bear the burden of providing competent substantial evidence that the special exception use should be granted.

Section 170-025. - Special exception use review standards; Town Council action.

- (A) The Town Council shall review ~~the application~~ Category A special exception applications to determine whether the special exception use complies with the following standards. The Town Manager shall review Category B applications to determine whether the special exception use complies with the following standards:

- (1) That the use will not cause a detrimental impact to the value of existing contiguous uses, uses in the general area, and to the zoning district where it is to be located.
- (2) That the use will be compatible with the existing uses on contiguous property, with uses in the general area and zoning district where the use is to be located and compatible with the general character of the area, considering population density, design, scale and orientation of structures to the area, property values and existing similar uses or zoning.
- (3) That adequate landscaping and screening are provided to buffer adjacent uses from potential incompatibilities.
- (4) That adequate parking and loading is provided, and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets.
- (5) That the use will not have a detrimental environmental impact upon contiguous properties and upon properties located in the general area or an environmental impact inconsistent with the health, safety and welfare of the community.

- (6) That the use will not have a detrimental effect on vehicular, pedestrian or equestrian traffic, or parking conditions, and will not result in the generation or creation of traffic inconsistent with the health, safety and welfare of the community.
- (7) That the use will not utilize turning movements in relation to its access to public roads or intersections, or its location in relation to other structures or proposed structures on or near the site that would be hazardous or a nuisance.
- (8) That the use will not have a detrimental effect on the future development of contiguous properties or the general area, according to the Comprehensive Plan.
- (9) That the use will not result in the creation of incompatible noise, lights, vibrations, fumes, odors, dust or physical activities, taking into account existing uses, uses located on contiguous properties, uses in the general area and the zoning in the vicinity due to its nature, duration, direction or character.
- (10) That the use will not overburden existing public services and facilities.
- (B) The Town Council may deny ~~the~~ a Category A special exception application, approve it, or approve it with conditions. In issuing its decision to grant a Category A special exception, the Town Council may place more restrictive requirements and conditions on applicants than are provided in the code when the conditions are based upon site considerations and its use, and the potentially resulting impacts upon the surrounding area or zoning district where the subject property is located.
- (C) The Town Manager may deny a Category B application, approve it, or approve it with conditions. In addition, the Town Manager, based upon his initial determination of potential non-compliance with the standards listed in Section 170-025(A,) may determine that a potential Category B Special Exception is most appropriately processed as a Category A Special Exception, in which case it will be processed as a Category A Special Exception.

- (D) The Town Manager may deny a Category C application, approve it, or approve it with conditions, based upon a determination of compliance with Section 170-010(C) (1) - (5). The Town Manager, based upon his determination of non-compliance with Section 170-010(C) (1) - (5) may determine that a potential Category C Special Exception is most appropriately processed as a Category B Special Exception, in which case it will be processed as a Category B Special Exception.
- (E) Denials of Category B and C Special Exceptions may be appealed to the Town Council. An applicant shall file a written request for appeal within thirty (30) days of receipt of the written denial by the Town Manager.

Section 170-030. - Modification of special exceptions.

If the applicant wishes to amend a special exception use proposal, the proposed amendment shall be processed and reviewed in accordance with the procedures set forth in this article for new special exception uses.

Section 170-035. - Expiration of special exceptions.

- (A) The Town Council, in the case of a Category A special exception, and the Town Manager, in the case of a Category B or Category C special exception, may prescribe a reasonable time limit within which the action for which the special exception is required shall be begun or completed or both; provided, that in the absence of such time limit, a special exception approval shall expire unless:
- (1) The applicant submits all development permit applications and construction drawings (if applicable) that are necessary to establish the special exception use within 12 months of Town Council approval, or Town Manager approval, as applicable; and
 - (2) The applicant obtains all necessary development permits (including payment of all fees) within 18 months of Town Council approval, or Town Manager approval, as applicable; and
 - (3) The development permits remain valid until the project is complete; and
 - (4) The conditions and limitations of the special exception are satisfied.
- (B) It shall be the responsibility of the property owner to ensure that a



Item 7.a.

ORDINANCES

Ordinance No. 2015-02 P&Z Board Appointments

Town of Loxahatchee Groves, FLORIDA
Town Council
AGENDA ITEM REPORT
AGENDA ITEM No. 7.a.

MEETING DATE: 04/21/2015

PREPARED BY: William F. Underwood, II, Town Manager

SUBJECT: Ordinance on First Reading Amending Ordinance 2011-011, Establishing The Town's Planning And Zoning Board

1.BACKGROUND/HISTORY

Problem Statement: The Town Council needs to synchronize the appointments of the Town's boards and committees in order that all membership is renewed annually. .

Problem Solution: Town Council must modify the length of term for individuals appointed to the planning and zoning board.

At the April 7, 2015, meeting of the Town Council, the Council was advised that it is necessary to modify the ordinance establishing the Planning and Zoning Board.

2.CURRENT ACTIVITY

Town Attorney and staff prepare amendments to the Planning and Zoning Board enabling legislation.

3.ATTACHMENTS

Ordinance No. 2015-02
Current Board Members

4.FINANCIAL IMPACT

N/A

5.RECOMMENDED ACTION

A motion adopting Ordinance 2015-02 on first reading.

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2015-02

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ORDINANCE 2011-011, WHICH ESTABLISHED THE TOWN'S PLANNING AND ZONING BOARD, AS AMENDED BY ORDINANCE 2012-02, TO AMEND SECTION 2, SUBSECTION ENTITLED "COMPOSITION AND TERM OF OFFICE", TO CHANGE THE TERM OF OFFICE FOR PLANNING AND ZONING BOARD MEMBERS FROM THREE YEAR TERMS TO ONE YEAR TERMS; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, in 2011, the Town Council of the Town of Loxahatchee Groves adopted Ordinance 2011-011 which established the Town's Planning and Zoning Board; and,

WHEREAS, in 2012, the Town Council adopted Ordinance 2012-02, which amended Ordinance 2011-011 to allow alternate members of the Planning and Zoning Board to participate in any matter coming before the Board at a meeting at which the alternate member attends; and,

WHEREAS, the Town Council finds it is in the best interest of the Town to change the terms of office for members of the Planning and Zoning Board from three (3) year terms to one (1) year terms.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA:

Section 1: That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

TOWN OF LOXAHATACHEE GROVES

ORDINANCE NO. 2015-02

Section 2: The Town Council of the Town of Loxahatchee Groves hereby amends Ordinance 2011-011, as amended by Ordinance 2012-02, to amend the Section entitled “Composition and term of office,” as follows:

...

Sec. - Composition and term of office.

(1) The Planning and Zoning Board shall be composed of five (5) members, and two (2) alternate members placed in office in accordance with the following procedure:

- (a) Each member of the Town Council, following his or her election or re-election to office, shall nominate a qualified citizen for appointment to the Planning and Zoning Board by the Town Council, to serve one (1) year terms~~a term of three (3) years~~.
- (b) Two (2) alternative members, designated as Alternate No. 1 and Alternate No. 2, shall be appointed by the Town Council each year to serve one (1) year terms. Alternate members may participate in all matters that come before the Board at meetings at which they attend. However, alternate members may only vote as members of the Board, in their designated order, whenever any regular member of the Board is absent.

...

Section 3: **Conflicts.** All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 4: **Severability.** If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

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~~Strike thru~~ represents deleted text, and underline represents added text.

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2015-02

Section 5: Codification. It is the intention of the Town Council of the Town of Loxahatchee Groves that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Loxahatchee Groves, Florida, and that the Sections of this ordinance may be re-numbered, re-lettered, and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

Section 6: Effective Date. This ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS ____ DAY OF _____, 2015.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS ____ DAY OF _____, 2015.

**TOWN OF LOXAHATCHEE
GROVES, FLORIDA**

ATTEST:

Mayor David Browning

Janet Whipple, Town Clerk

Vice-Mayor Ron Jarriel

APPROVED AS TO LEGAL FORM:

Council Member Tom Goltzené

Office of the Town Attorney

Council Member Ryan Liang

Council Member Jim Rockett

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~~Strike thru~~ represents deleted text, and underline represents added text.



PLANNING AND ZONING BOARD 2014-2015

**Established July 19, 2011 by Ordinance 2011-011, amended by Ordinance 2012-02
Meets the 2nd Thursday of Each Month
Central Palm Beach County Chamber of Commerce – West Office
13901 Southern Blvd.
Loxahatchee Groves, FL 33470**

Dennis Lipp, Chair

13402 North Road

d_lipp@comcast.net

Seat 4 (Mayor Browning) Appointed 8/2/11

Appointed as Chair 4/12/12

596-6357 cell

793-6013 home

Robin Crawford, Vice Chair

3057 E Road

robin@crawfordtracey.com

Seat 2 (Jim Rockett) Appointed 8/2/11

Appointed as Vice Chair 4/12/12

(954) 647-0009

Lawrence Corning

2834 E Road

lhc.pandz@yahoo.com

Seat 5 (Tom Goltzené) Appointed 8/2/11

818-9993

Grace Joyce

3886 147th Ave. N.

gjoyce@wpb.org / 1cds@comcast.net

Seat 1 (Ron Jarriel) Appointed 8/2/11

822-1552 (work)

371-3584 (cell)

Veronica Close,

12963 Raymond Drive

closev_lg@hotmail.com

Seat 3 (Ryan Liang) Appointed as a Regular 02/03/2015

Town Council Re-Appointed 11-20-2012 for 1 yr. term

Town Council Appointed 8/2/11

790-1982

561-385-6692

Alternate Member #1 - VACANT

Alternate Member #2 - VACANT



Item 7.b.

ORDINANCES

Ordinance No. 2015-03 Prohibiting Disposal of Waste Materials

Town of Loxahatchee Groves, FLORIDA
Town Council
AGENDA ITEM REPORT
AGENDA ITEM No. 7.b.

MEETING DATE: 04/21/2015

PREPARED BY: William F. Underwood, II, Town Manager

SUBJECT: Ordinance No. 2015-03 on First Reading, Prohibiting the disposal of waste materials within the Town

1.BACKGROUND/HISTORY

Problem Statement: The Town Council and citizens expressed the need for the cessation of dumping waste materials on property within the Town.

Problem Solution: Create an ordinance that prohibits dumping or disposing of waste materials within the Town and provide for law enforcement to abate the matter and penalties.

At the April 7, 2015, meeting of the Town Council, the Council unanimously adopted a motion instructing staff under work authorization WA 2015-02, to prepare legislation that would prohibit the dumping of waste materials on land within the Loxahatchee Groves town limits.

2.CURRENT ACTIVITY

Town staff has worked with the Town attorney to research, draft, revise, and prepare for Council action and ordinance to prohibit waste materials from being deposited within the Town boundaries.

The Town Council should understand the legislation attached for approval is the Town's first line of defense in halting further dumping within the Town. This legislation becomes effective after its second reading on May 5, 2015. Further action may be required to incorporate the proposed legislation with the Town's unified land development code.

3.ATTACHMENTS

Ordinance No. 2015-03
Section 62-701.200 Definitions F.A.C.

4.FINANCIAL IMPACT

N/A

5.RECOMMENDED ACTION

A motion adopting Ordinance No. 2015-03 on first reading.

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2015-03

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROHIBITING THE DISPOSAL OF WASTE MATERIALS, AS DEFINED HEREIN, WITHIN THE TOWN; PROVIDING FOR DEFINITIONS; FINDING THAT A VIOLATION OF THIS ORDINANCE SHALL BE DEEMED A NUISANCE; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council has heard concerns from Town Management and the public relating to abuses by commercial haulers and property owners for depositing or disposal of Waste Materials are defined herein, referencing state statute and regulatory rule definitions, on properties within the Town; and,

WHEREAS, the Town Council continues to be concerned with quality of life, including water quality within the drainage canals in the Town, and has heard from residents about concerns from continued abuse of depositing and disposal of Waste Materials within the Town; and,

WHEREAS, the depositing and disposal of Waste Materials is a public nuisance, attracting flies and emanating odors to nearby properties; and,

WHEREAS, Florida statutes and administrative rules contain definitions of several types of waste materials, the disposal of which the Town Council deems to be nuisances, and finds it in the best interest of the Town to incorporate and use such definitions in order to ensure consistency with Florida law that prohibits the use by municipalities of definitions relating to solid waste that are inconsistent with statutory definitions; and,

WHEREAS, the Town Council believes that prohibiting the disposal of Waste Materials is necessary to prevent illegal dumping and pollution, and avoid the creation of public nuisances within the Town; and,

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THAT:

Section 1. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. **Definitions.** The following definitions shall apply to this Ordinance.

- (a) *Waste Materials*: Ash Residue, Biomedical Waste, Biological Waste, Class I Waste, Class III Waste, Commercial Solid Waste, Construction and Demolition Debris, Contaminated Soil, Garbage, Hazardous Waste, Household Waste, Industrial byproducts, Industrial Solid Waste, Leachate, Liquid Waste, Oily Waste, Recovered Materials, Recyclable Materials, Sludge, Solid Waste, Special Wastes, White Goods and Yard Trash, all as defined in §403.703, Florida Statutes, and Rule 62-701.200, Florida Administrative Code, incorporated herein and attached hereto as Composite Exhibit “A”. The definitions in this Ordinance shall be deemed amended upon the amendment of §403.703, Florida Statutes, and Rule 62-701.200, Florida Administrative Code.
- (b) *Disposal*: The discharge, deposit, injection, dumping, spilling, leaking, or placing of any waste material into or upon any land or water so that such waste materials or any constituent thereof may enter other lands or be emitted into the air or discharged into any waters, including groundwaters, or otherwise enter the environment.

(c) *Public Nuisance*: the unreasonable, unwarranted and/or unlawful activity and/or use of property, which causes inconvenience or damage to others, either to individuals and/or to the general public.

Section 3. **Prohibition of Depositing or Disposing of Waste Materials.** The disposal of Waste Material, including without limitation, receiving, spreading or storing such Waste Material on Property, within the corporate limits of the Town is prohibited.

Section 4. **Nuisance.** A violation of this ordinance is deemed by the Town Council to be a public nuisance.

Section 5. **Violation of State Laws.** The Town Council specifically finds that a violation of this ordinance presents a public nuisance for purposes of enforcement of Section 403.413, Florida Statutes, and law enforcement officers charged with the enforcement of state and local laws within the Town shall strictly enforce Section 403.413, Florida Statutes.

Section 6. **Enforcement.** This ordinance shall be enforced as follows:

- (a) Law enforcement officers are authorized to enforce this ordinance.
- (b) In addition to penalties resulting from a violation of Section 403.413, Florida Statutes, the fines for violations of this ordinance by drivers of vehicles of Waste Materials disposed in violation of this Ordinance shall be:

First Offense	Second Offense	Third Offense	All Additional Offenses
\$100	\$250	\$400	\$500

(c) The Town may also file charges for any offense in a court with jurisdiction, in which case the penalty shall be a fine of \$500, imprisonment not to exceed sixty (60) days, or both, for each violation of this ordinance. The Town shall recover its costs of prosecution,

including attorney's fees, filing fees, and personnel costs for law enforcement and Town employees.

(d) To the extent authorized by law, the Town Administration is authorized to use the Town's Code Enforcement process to enforce violations of this ordinance where a law enforcement officer has not otherwise issued violations of Section 403.413, Florida Statutes, or of this ordinance. In such instances, the fine shall be the maximum permitted by law. The Town shall recover its costs of prosecution, including attorney's fees, filing fees, and personnel costs for law enforcement and Town employees.

(e) Each day a violation remains constitutes a separate violation of this ordinance.

(f) The Town Manager shall report any violation of this ordinance to state, county, and other regulatory agencies which he or she deems appropriate and request review by such agencies for any additional violations of local, state or federal laws and regulations.

Section 7. **Repeal of Laws in Conflict.** All Ordinances or part of Ordinances in conflict herewith are in the same are hereby repealed to the extent of such conflict.

Section 8. **Severability.** If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

Section 9. **Codification.** It is the intention of the Town Council of the Town of Loxahatchee Groves that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Loxahatchee Groves, Florida, and that the Sections of this ordinance may be re-numbered, re-lettered, and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

Section 10. **Effective Date.** This Ordinance shall become effective immediately upon its passage and adoption.

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF
LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS ____ DAY OF
_____, 2015.**

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN
LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS
____ DAY OF _____, 2015.**

**TOWN OF LOXAHATCHEE
GROVES, FLORIDA**

ATTEST:

Mayor David Browning

Janet K. Whipple, Town Clerk

Vice-Mayor Ron Jarriel

APPROVED AS TO LEGAL FORM:

Council Member Tom Goltzené

Office of the Town Attorney

Council Member Ryan Liang

Council Member Jim Rockett

EXHIBIT “A”

§403.703, Florida Statutes (2014)
Rule 62-701.200, Florida Administrative Code

62-701.200 Definitions.

The following words, phrases or terms as used in Chapters 62-701 through 62-722, F.A.C., unless the context indicates otherwise, shall have the following meaning:

- (1) "Active life" means the operating life of a facility as estimated in the permit application, but does not include the long-term care period.
- (2) "Agricultural wastes" means the solid wastes resulting from normal farming operations, the raising and slaughtering of animals, and the processing of animal products, orchard, and field crops, which are stored, transported, or disposed of as an unwanted waste material.
- (3) "Airport" means any area of land or water, or any manmade object or facility located thereon, which is used, or intended for use, for the landing and takeoff of aircraft, and any appurtenant areas that are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.
- (4) "Air quality standards" means, unless otherwise specified, those standards set forth in Chapter 62-204, F.A.C.
- (5) "ASTM" means ASTM International.
- (6) "Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of ground water to wells, springs, or surface water.
- (7) "Ash residue" means all the solid residue and any entrained liquids resulting from the combustion of solid waste in a solid waste combustor, including bottom ash, fly ash and combined bottom and fly ash, but excluding recovered metals, glass, and other recovered materials separated from the ash residue.
 - (a) "Bottom ash" means the solid material remaining after combustion of solid waste, which is discharged from the grates or stoker of a solid waste combustor.
 - (b) "Fly ash" means the residue from the combustion of solid waste, which is entrained in the gas stream of a solid waste combustor. Fly ash includes particulates, cinders, soot, and solid waste from air pollution control equipment.
- (8) "Biomedical waste" has the meaning given it in Chapter 64E-16, F.A.C.
- (9) "Biological waste" means solid waste that causes or has the capability of causing disease or infection and includes biomedical waste, animals that died from disease, and other wastes capable of transmitting pathogens to humans or animals. The term does not include human remains that are disposed of by persons licensed under Chapter 470, F.S.
- (10) "Bird hazard" means an increase in the likelihood of bird/aircraft collisions that may cause damage to the aircraft or injury to its occupants.
- (11) "CCA treated wood" means lumber, timber, or plywood treated with chromated copper arsenate. This term does not include utility poles unless they have been ground, chipped, or shredded.
- (12) "Cell" means a volume of solid waste received since the last previous application of initial cover. The compacted waste and subsequent initial cover constitute a cell that usually contains wastes deposited in one day.
- (13) "Class I waste" means solid waste that is not hazardous waste, and that is not prohibited from disposal in a lined landfill under Rule 62-701.300, F.A.C.
- (14) "Class III waste" means yard trash, construction and demolition debris, processed tires, asbestos, carpet, cardboard, paper, glass, plastic, furniture other than appliances, or other materials approved by the Department, that are not expected to produce leachate that poses a threat to public health or the environment.
- (15) "Clean debris" means any solid waste that is virtually inert, is not a pollution threat to ground water or surface waters, is not a fire hazard, and is likely to retain its physical and chemical structure under expected conditions of disposal or use. The term includes brick, glass, ceramics, and uncontaminated concrete including embedded pipe or steel.
- (16) "Clean wood" means wood, including lumber, tree and shrub trunks, branches, and limbs, which is free of paint, glue, filler, pentachlorophenol, creosote, tar, asphalt, chromated copper arsenate, other wood preservatives or treatments.
- (17) "Closing" means the time at which a solid waste management facility ceases to accept wastes, and includes those actions taken by the owner or operator of the facility to prepare the facility for any necessary monitoring and maintenance after closing.
- (18) "Closure" means the cessation of operation of a solid waste management facility and the act of securing such a facility so that it will pose no significant threat to human health or the environment. This includes closing and long term care.
- (19) "Cm/sec" means centimeters per second.
- (20) "Co-disposal" means the disposal of two or more different types of waste in the same solid waste disposal unit.
- (21) "Combustion" means the treatment of solid waste in a device that uses heat as the primary means to change the chemical,

physical, or biological character or composition of the waste. Combustion processes include incineration, gasification, and pyrolysis.

(22) "Commercial solid waste" means all types of solid waste generated by stores, offices, restaurants, warehouses, and other nonmanufacturing activities, excluding household waste and industrial solid waste.

(23) "Composite liner" means a liner comprised of a geomembrane, that is underlain and in direct contact with a soil component.

(24) "Construction and demolition debris" means discarded materials generally considered to be not water soluble and non-hazardous in nature, including but not limited to steel, glass, brick, concrete, asphalt material, pipe, gypsum wallboard, and lumber, from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure, including such debris from construction of structures at a site remote from the construction or demolition project site. The term includes rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing or land development operations for a construction project; clean cardboard, paper, plastic, wood, and metal scraps from a construction project; except as provided in Section 403.707(9)(j), F.S., yard trash and unpainted, non-treated wood scraps from sources other than construction or demolition projects; scrap from manufacturing facilities that is the type of material generally used in construction projects and that would meet the definition of construction and demolition debris if it were generated as part of a construction or demolition project, including debris from the construction of manufactured homes and scrap shingles, wallboard, siding concrete, and similar materials from industrial or commercial facilities and de minimis amounts of other non-hazardous wastes that are generated at construction or demolition projects, provided such amounts are consistent with best management practices of the construction and demolition industries. Mixing of construction and demolition debris with other types of solid waste will cause it to be classified as other than construction and demolition debris.

(25) "Contaminated soil" has the meaning given it in subsection 62-713.200(3), F.A.C.

(26) "Degradable waste" means waste that decomposes through chemical breakdown or microbiological activity. It includes materials such as food and vegetative wastes, but does not include materials like concrete, ash residue from the combustion of solid wastes and metals.

(27) "Department" means the State of Florida Department of Environmental Protection.

(28) "Design period" means the operating life of the solid waste management facility plus any long-term care period after closing.

(29) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or upon any land or water so that such solid waste or any constituent thereof may enter other lands or be emitted into the air or discharged into any waters, including ground waters, or otherwise enter the environment.

(30) "Engineer of record" means a professional engineer registered in the State of Florida in accordance with provisions of Chapter 471, F.S., who is appointed by the owner or operator of the solid waste management facility.

(31) "Facility" means all contiguous land and structures, other appurtenances, and improvements on the land used for solid waste management.

(32) "Fill" means man-made deposits of earth or waste materials used to fill excavations, to increase the vertical or horizontal extent of land or solid waste disposal units, or to build embankments.

(33) "Final cover" means the materials used to cover the top and sides of a landfill when fill operations cease.

(34) "Garbage" means all kitchen and table food waste, and animal or vegetative waste that is attendant with or results from the storage, preparation, cooking, or handling of food materials.

(35) "Gas condensate" means the liquid generated as a result of gas recovery processes at a solid waste management facility.

(36) "Gas recovery facility" means a system of wells, trenches, pipes, and other related ancillary structures such as manholes, compressors, and monitoring installations that collect and transport the gas produced in a waste disposal unit to one or more gas processing points or flares. The flow of gas through such a system may be produced by naturally occurring gas pressure gradients or may be aided by an induced draft generated by mechanical means.

(37) "Generation" means the act or process of producing solid waste.

(38) "Geocomposite" means a product composed of two or more materials, at least one of which is a geosynthetic.

(39) "Geomembrane" means a low-permeability synthetic membrane used as an integral part of a system designed to limit the movement of liquid or gas in the system.

(40) "Geogrid" means a geosynthetic formed by a regular network of integrally connected elements with apertures greater than 6.35 mm (1/4 inch) to allow interlocking with surrounding soil, rock, earth and other surrounding materials to function primarily as

reinforcement.

(41) "Geonet" means a geosynthetic consisting of integrally connected parallel sets of ribs overlying similar sets at various angles for planar drainage of liquids or gases.

(42) "Geosynthetic" means a planar product manufactured from polymeric material used with soil, rock, earth, or other geotechnical engineering-related material as an integral part of a man-made project, structure or system.

(43) "Geosynthetic clay liner" (GCL) means a low-permeability manufactured material consisting of a layer of low permeability clay placed between two geotextiles.

(44) "Geotextile" means a permeable textile used as a part of a system designed to act as a filter to prevent the flow of fine particles into drainage systems, to provide planar flow for drainage, to serve as a cushion to protect geomembranes, or to provide structural support.

(45) "GRI" means Geosynthetic Research Institute.

(46) "Ground water" means water beneath the surface of the ground within a zone of saturation, whether or not it is flowing through known and definite channels.

(47) "Hazardous waste" means a solid waste regulated by the Department as a hazardous waste pursuant to Chapter 62-730, F.A.C.

(48) "HDPE" means high density polyethylene.

(49) "Household waste" means any solid waste, including garbage, trash, and sanitary waste in septic tanks, derived from households, including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas.

(50) "Indoor" means within a structure that has been constructed with a roof over an impervious surface and has outside walls on a minimum of all but one of the sides of the facility. The roof and outside walls must be constructed with materials having structural strength like wood, block, fiberglass, plastic or metal rather than materials like canvas or tarpaulin, and may include windows and doors. An impervious surface means a surface like a poured concrete pad or asphaltic concrete.

(51) "Industrial byproducts" means those materials that have a demonstrated recycling potential, can be feasibly recycled, and have been diverted or removed from the solid waste stream for sale, use, or reuse. The term does not include any materials that are defined as recovered materials; a mixed waste stream that is processed to remove recyclable materials; or materials the recycling or use of which is specifically addressed in Department rules, such as construction and demolition debris, ash residue, waste tires, used oil, and compost. Industrial byproducts are regulated as solid waste unless otherwise exempted under paragraph 62-701.220(2)(d), F.A.C.

(52) "Industrial solid waste" means solid waste generated by manufacturing or industrial processes that is not a hazardous waste. Such waste may include, but is not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer/agricultural chemicals; food and related products or byproducts; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing or foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

(53) "Initial cover" means a 6-inch layer of compacted earth, used to cover an area of solid waste before placement of additional waste, intermediate cover, or final cover. The term also includes other material or thickness, approved by the Department, that minimizes vector breeding, animal attraction, and fire potential, prevents blowing litter, controls odors, and improves landfill appearance.

(54) "Integral to" means, as regards the examination and certification of resource recovery equipment, that the machinery or equipment provides a significant function in the resource recovery or recycling process, such that the resource recovery or recycling process could not proceed without that piece of machinery or equipment.

(55) "Intermediate cover" means a layer of compacted earth at least one foot in depth applied to a solid waste disposal unit. The term also includes other material or thickness, approved by the Department, that minimizes disease vectors, odors, and fire, and is consistent with the leachate control design of the landfill.

(56) "Land clearing debris" means rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing or land development operations for a construction project. Land clearing debris does not include vegetative matter from lawn maintenance, commercial or residential landscape maintenance, right-of-way or easement maintenance, farming operations, nursery operations, or any other sources not related directly to a construction project.

(57) "Landfill" means a solid waste disposal facility, which is an area of land or an excavation where wastes are or have been placed for disposal, for which a permit, other than a general permit, is required by Section 403.707, F.S. This term shall not include:

- (a) A land spreading site;
- (b) A surface impoundment;
- (c) An injection well defined under and subject to the provisions of Chapter 62-528, F.A.C.; or
- (d) A construction and demolition debris disposal site regulated by Rule 62-701.730, F.A.C.

(58) "Lateral expansion" means any horizontal increase in the dimensions of the waste boundary of an existing solid waste disposal unit.

(59) "Leachate" means liquid that has passed through or emerged from solid waste and may contain soluble, suspended or miscible materials.

(60) "Lead-acid battery" means those lead-acid batteries designed for use in motor vehicles, vessels, and aircraft, and includes such batteries when sold as a component part of a motor vehicle, vessel, or aircraft, but not when sold to recycle components.

(61) "Lift" means a completed horizontal series of cells.

(62) "Lined landfill" means a landfill constructed with a liner made of synthetic materials, low-permeability soils, or a combination of these materials, that has been permitted by the Department, and that met the Department's landfill design criteria specified in this chapter or previous versions of this chapter at the time of permitting.

(63) "Liner" means a continuous layer of low-permeability natural or synthetic materials, under the bottom and sides of a landfill, solid waste disposal unit, or leachate surface impoundment, which controls the downward or lateral escape of waste constituents, or leachate.

(64) "Liner system" means a system of leachate collection and liner layers comprised of natural or synthetic materials installed between the subgrade and the waste for the purpose of containing the waste and collecting and removing leachate.

(65) "Liquid waste" means any waste material that is determined to contain free liquids as defined by Method 9095 (Paint Filter Liquids Test), as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (EPA Pub. No. SW-846).

(66) "LLDPE" means linear low density polyethylene.

(67) "Local government" means any municipality, county, district, or authority, or any agency thereof, or a combination of two or more of the foregoing when acting jointly in connection with a project, which has jurisdiction over the collection, recycling, disposal or treatment of solid waste.

(68) "Lower explosive limit" means the lowest percent by volume of a mixture of explosive gases that will propagate a flame in air at a temperature of 25 degrees Celsius and atmospheric pressure.

(69) "Manure" means a solid waste composed of excreta of animals, and residual materials that have been used for bedding, sanitary or feeding purposes for such animals.

(70) "Materials recovery" means any process by which one or more of the various components in solid waste is separated and concentrated for reuse.

(71) "Materials recovery facility" means a solid waste management facility that provides for the extraction from solid waste of recyclable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

(72) "Method detection limit" means the smallest concentration of an analyte of interest that can be measured and reported with 99 percent confidence that the concentration is greater than zero. The method detection limit shall be determined pursuant to procedures outlined in Chapter 62-160, F.A.C., which is hereby incorporated by reference.

(73) "Monitoring wells" means strategically located wells from which water samples are drawn for water quality analysis.

(74) "Monofill" means a waste pile, landfill or solid waste disposal unit into which only one type of solid waste is placed.

(75) "Motor vehicle" means an automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated in this state, used to transport persons or property, and propelled by power other than muscular power, but the term does not include traction engines, road rollers, such vehicles as run only upon a track, bicycles, moped, or farm tractors and trailers.

(76) "Normal farming operations" means the customary and generally accepted activities, practices, and procedures that farmers adopt, use, or engage in during the production and preparation for market of poultry, livestock, and associated farm products; and in the production, harvesting, or packaging of agricultural crops which include agronomic, horticultural, and silvicultural crops. Included are the management, collection, storage, composting, transportation, and utilization of organic agricultural waste, manure,

and materials solely derived from agricultural crops. A facility regulated as an Animal Feeding Operation pursuant to Chapter 62-670, F.A.C., that manages its manure on-site will be considered to be engaging in normal farming operations.

(77) "Objectionable odors" has the meaning given that term in Rule 62-210.200, F.A.C.

(78) "Oily wastes" has the meaning given that term in Rule 62-710.201, F.A.C.

(79) "100-year floodplain" means the lowland and relatively flat areas adjoining inland and coastal waters, including flood-prone areas of offshore islands, that are inundated by the 100-year flood.

(80) "On-site" means on the same or geographically contiguous property, which may be divided by a public or private right-of-way. It does not include two or more parcels of land more than a mile apart that are connected only by a public or private right-of-way.

(81) "Open burning" means the burning of any material under such conditions that the products of combustion are emitted directly into the atmosphere.

(82) "Operator" means any person, including the owner, who is principally engaged in, and is in charge of, the actual operation, supervision, and maintenance of a solid waste management facility.

(83) "Person" means any and all persons, natural or artificial, including any individual, firm, or association; any municipal or private corporation organized or existing under the laws of Florida or any other state; any county of this state; and any governmental agency of this state or the Federal Government.

(84) "PGI" means PVC Geomembrane Institute.

(85) "Population" means the most recent population census determination under Section 186.901, F.S.

(86) "Potable water well" means any excavation that is drilled or bored, or converted from non-potable water use, when the intended use of such excavation is for the location and acquisition of ground water that supplies water for human consumption.

(87) "Processed tire" means a tire that has been treated mechanically, chemically, or thermally so that the resulting material is a marketable product or is suitable for proper disposal.

(88) "Processing" means any technique designed to change the physical, chemical, or biological character or composition of any solid waste so as to render it safe for transport, amenable to recovery, storage or recycling; safe for disposal; or reduced in volume or concentration.

(89) "Professional engineer" means an engineer licensed in the State of Florida in accordance with Chapter 471, F.S.

(90) "Professional geologist" means a geologist licensed in the State of Florida in accordance with Chapter 492, F.S.

(91) "Putrescible waste" means solid waste that contains organic matter capable of being decomposed by microorganisms and of such a character and proportion as to be capable of attracting or providing food for birds. The term does not include uncontaminated yard trash or clean wood.

(92) "PVC" means polyvinyl chloride.

(93) "Quantity of tires" means either weight, volume, or actual number of tires. For purposes of Chapter 62-711, F.A.C., assume that, for passenger tires, there are 100 tires per ton and 10 tires per cubic yard and that, for truck tires, there are 20 tires per ton.

(94) "Reasonable assurance" means the existence of a substantial likelihood, although not an absolute guarantee, that the proposed activity will be successfully implemented and the proposed activity and applicant will comply with applicable agency rules, laws, orders and permit conditions. It does not mean proof that a facility will not fail.

(95) "Recovered materials" means metal, paper, glass, plastic, textile, or rubber materials that have known recycling potential, can be feasibly recycled, and have been diverted and source separated or have been removed from the solid waste stream for sale, use, or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other, but does not include materials destined for any use that constitutes disposal. Recovered materials as described above are not solid waste.

(96) "Recovered materials processing facility" means a facility engaged solely in the storage, processing, resale, or reuse of recovered materials. Such a facility is not a solid waste management facility if it meets the conditions of paragraph 62-701.220(2)(c), F.A.C.

(97) "Recovered screen material" means the fines fraction, consisting of soil and other small materials, derived from the processing or recycling of construction and demolition debris which passes through a final screen size no greater than 3/4 of an inch.

(98) "Recyclable material" means those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste.

(99) "Recycling" means any process by which solid waste, or materials which would otherwise become solid waste, are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

(100) "Recycling equipment" means machinery or equipment exclusively and integrally used in the actual process by which solid waste or materials which would otherwise become solid waste are separated or processed and reused or returned to use in the form of raw materials or products.

(101) "Resource recovery" means the process of recovering materials or energy from solid waste, excluding those materials or solid waste under control of the Nuclear Regulatory Commission.

(102) "Resource recovery equipment" means equipment or machinery exclusively and integrally used in the actual process of recovering material or energy resources from solid waste. This definition specifically includes recycling equipment.

(103) "Sanitary nuisance" means a condition created by any person, or the keeping, maintaining, propagation, existence, or permitting of anything by a person by which the health or lives of individuals may be threatened or impaired, or by which disease may be caused or transmitted.

(104) "Shredding" means a process of reducing the particle size of solid waste through the use of grinding, shredding, milling, or rasping machines.

(105) "Site" means the area of land or water within the property boundaries of a solid waste management facility where one or more solid waste processing, resource recovery, recycling, storage, or disposal areas are located.

(106) "Sludge" means a solid waste pollution control residual which is generated by any industrial or domestic wastewater treatment plant, water supply treatment plant, air pollution control facility, septic tank, grease trap, portable toilet or related operation, or any other such waste having similar characteristics. Sludge may be a solid, liquid, or semisolid waste but does not include the treated effluent from a wastewater treatment plant.

(107) "Solid waste" means: sludge that is not regulated under the federal Clean Water Act or Clean Air Act, as well as sludge from a waste treatment works, water supply treatment plant, or air pollution control facility; or garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. Materials not regulated as solid waste pursuant to this chapter are: recovered materials; nuclear source or byproduct materials regulated under Chapter 404, F.S., or under the Federal Atomic Energy Act of 1954 as amended; suspended or dissolved materials in domestic sewage effluent or irrigation return flows, or other regulated point source discharges; regulated air emissions; and fluids or wastes associated with natural gas or crude oil exploration or production.

(108) "Solid waste combustor" means an enclosed device that uses controlled combustion, the primary purpose of which is to thermally break down solid, liquid, or gaseous combustible solid wastes to an ash residue that contains little or no combustible material. A solid waste combustor specifically includes any facility that uses incineration, gasification, or pyrolysis to break down solid waste.

(109) "Solid waste disposal facility" means any solid waste management facility which is the final resting place for solid waste, including landfills and incineration facilities that produce ash from the process of incinerating municipal solid waste.

(110) "Solid waste disposal unit" means a discrete area of land used for the disposal of solid waste.

(111) "Solid waste management" means the process by which solid waste is collected, transported, stored, separated, processed, or disposed of in any other way, according to an orderly, purposeful, and planned program which includes closure.

(112) "Solid waste management facility" means any solid waste disposal area, transfer station, materials recovery facility, or other facility, the purpose of which is resource recovery or the disposal, recycling, processing, or storage of solid waste. The term does not include recovered materials processing facilities which meet the requirements of paragraph 62-701.220(2)(c), F.A.C., except the portion of such facilities, if any, that is used for the management of solid waste.

(113) "Special wastes" means solid wastes that can require special handling and management, including but not limited to, white goods, waste tires, used oil, lead-acid batteries, construction and demolition debris, ash residue, yard trash, biological wastes, and mercury-containing devices and lamps.

(114) "Stabilized" means that biological and chemical decomposition of the wastes has ceased or diminished to a level so that such decomposition no longer poses a pollution, health, or safety hazard.

(115) "Subgrade" means soils native to or imported to a site, or other materials authorized by a Department permit or this chapter, which may be graded and compacted before a landfill liner system is constructed over them.

(116) "Tire" means a continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle.

(117) "Tire disposal" means to deposit, dump, spill or place any waste tire or residuals into or upon any structure, land or water. Tire disposal also includes the burning of any waste tire or residuals in a waste-to-energy facility, incinerator, or other facility used

solely for the disposal of solid waste.

(118) "Tire recycling" means any process by which waste tires or residuals are reused or returned to use in the form of products or raw materials.

(119) "Ton" means a short ton, 2000 pounds (0.9078 metric tons).

(120) "Transfer station" means a facility the primary purpose of which is to store or hold solid waste for transport to a processing or disposal facility. Operations at such facilities may include separation of incidental amounts of recyclable materials or unauthorized waste.

(121) "Unauthorized waste" means any type of waste that is not allowed to be accepted or managed at a solid waste management facility in accordance with rule or statutory requirements or permit conditions.

(122) "Used oil" has the meaning given that term in Rule 62-710.201, F.A.C.

(123) "Used tire" means a whole waste tire which has a minimum tread depth of 3/32 inch or greater and is suitable for use on a motor vehicle.

(124) "Uppermost aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within a facility's property boundary.

(125) "Vector" means a carrier organism that is capable of transmitting a pathogen from one organism to another.

(126) "Waste tire" means a tire that has been removed from a motor vehicle and has not been retreaded or regrooved. The term includes used tires and processed tires, but does not include solid rubber tires and tires that are inseparable from the rim.

(127) "Waste tire collection center" means a site where waste tires are collected from the public before being offered for recycling or disposal and where fewer than 1,500 tires are kept on-site on any given day.

(128) "Waste tire collector" means a person who transports more than 25 waste tires over public highways at any one time.

(129) "Waste tire processing facility" means a site where equipment is used to treat waste tires mechanically, chemically, or thermally so that the resulting material is a marketable product or is suitable for proper disposal. The term includes mobile waste tire processing equipment.

(130) "Waste tire residuals" means any liquids, sludges, metals, fabric or byproducts resulting from the processing or storage of tires. Residuals do not include processed tires held for recycling or disposal, provided the conditions of Rule 62-711.530, F.A.C., are met.

(131) "Waste tire site" means a site at which 1,500 or more waste tires are accumulated. For purposes of this term a site means a piece of property owned, rented, or otherwise controlled by a person, including all contiguous or adjacent properties owned, rented, or otherwise controlled by that person.

(132) "Water quality standards and criteria" means, unless otherwise specified, those standards and criteria set forth in Chapters 62-302 and 62-520, F.A.C.

(133) "White goods" means inoperative and discarded refrigerators, ranges, washers, water heaters, freezers, and other similar domestic and commercial large appliances.

(134) "Working face" means that portion of a solid waste disposal unit where waste is deposited, spread, and compacted before placement of initial cover.

(135) "Yard trash" means vegetative matter resulting from landscaping maintenance or land clearing operations and includes materials such as tree and shrub trimmings, grass clippings, palm fronds, trees and tree stumps, and associated rocks and soils.

(136) "Zone of discharge" has the meaning given it in Rule 62-520.200, F.A.C.

All other definitions found in Chapter 403, F.S., and Chapters 62-702 through 62-722, F.A.C., to the extent that they are consistent with the definitions of this chapter, are applicable to the terms used in this chapter.

Rulemaking Authority 403.704 F.S. Law Implemented 403.702-.717, 403.75-.769 F.S. History—Formerly 10D-12.02, 10-1-74, Revised 7-20-76, Amended 5-24-79, 6-13-84, 4-25-85, 7-1-85, 12-10-85, Formerly 17-7.02, 17-7.020, Amended 8-2-89, 6-25-90, Formerly 17-701.020, Amended 1-6-93, 1-2-94, 5-19-94, Formerly 17-701.200, Amended 12-23-96, 5-27-01, 1-6-10, 8-12-12, 2-15-15.

62-701.320 Solid Waste Management Facility Permit Requirements, General.

(1) Permit requirements. Except as otherwise provided in this chapter, no solid waste management facility shall be constructed, operated, maintained, modified, or closed without a permit issued by the Department, or by an approved local program acting under a delegation agreement with the Department.

(2) Exemptions. Except as provided in Section 403.707(2), F.S., no permit under this chapter shall be required for the following activities or facilities. For purposes of this subsection, disposal shall be deemed to include storage prior to disposal or processing.

(a) Disposal by persons of solid waste resulting from their own activities on their own property, if such waste is ordinary household waste from their residential property or is rocks, soils, trees, tree remains, and other vegetative matter which normally results from land development operations on that property. Disposal of materials that could create a public nuisance or adversely affect the environment or public health, such as white goods, automotive materials including batteries and tires, petroleum products, pesticides, solvents, or hazardous substances, is not covered under this exemption.

(b) Disposal by persons of solid waste resulting from their own activities on their property, if the environmental effects of such disposal on ground water and surface waters are:

1. Addressed or authorized by a site certification issued under Chapter 403, Part II, F.S., Electrical Power Plant Siting;
2. Addressed or authorized by a permit issued by the Department, including solid waste management permits or other environmental permits modified to include conditions for proper disposal; or
3. Addressed or authorized by, or specifically exempted from the requirement to obtain, a ground water monitoring plan approved by the Department.

(c) On-site disposal of construction and demolition debris, provided that disposal conforms to subsection 62-701.730(17), F.A.C.

(d) Disposal of solid waste resulting from normal farming operations.

(e) Storage of solid waste in containers on property that is owned, rented, or leased by the persons who generated the waste from their own activities which occurred on their property, if the solid waste in such containers is collected at least once a week.

(f) Disposal by persons of solid waste resulting from their own activities on their own property, if that waste disposal occurred before October 1, 1988.

(3) Irresponsible applicant. In addition to the provisions of subsection 62-4.070(5), F.A.C., when determining whether the applicant has provided reasonable assurances that Department standards will be met, the Department shall consider repeated violations of applicable statutes, rules, orders, or permit conditions caused by a permit applicant after October, 1988, relating to the operation of any solid waste management facility in this state if the applicant is deemed to be irresponsible. For purposes of this subsection, the following words have the following meanings:

(a) "Applicant" means the owner or operator of the solid waste management facility in this state, and includes a business entity, a parent of a subsidiary corporation, a partner, a corporate officer or director, or a stockholder holding more than 50 percent of the corporate stock.

(b) "Irresponsible" means that an applicant owned or operated a solid waste management facility in this state, including transportation equipment or mobile processing equipment used by or on behalf of the applicant, which was subject to a state or federal notice of violation, judicial action, or criminal prosecution for activities that constitute violations of Chapter 403, F.S., or the rules promulgated thereunder, and could have prevented the violation through reasonable compliance with Department rules.

(4) Modification of permit.

(a) Permits shall be modified in accordance with the requirements of Rule 62-4.080, F.A.C.

(b) A modification which does not require substantial technical evaluation by the Department, does not require a new site inspection by the Department, and is not expected to lead to substantially different environmental impacts or will lessen the impacts of the original permit is considered a minor modification, the fee for which is set forth in paragraph 62-4.050(4)(s), F.A.C.

(c) A modification which is reasonably expected to lead to substantially different environmental impacts which require a detailed review by the Department is considered a substantial modification, the fee for which is set forth in subsection 62-4.050(7), F.A.C.

(d) A modification which is reasonably expected to lead to substantially different environmental impacts, but which requires a less detailed review than does a substantial modification, is considered an intermediate modification, the fee for which is one-half of that required for a substantial modification.

(5) Permit application.

(a) Applications for a solid waste management facility shall be submitted on appropriate Department forms listed in Rule 62-701.900, F.A.C., to the Department's district office with jurisdiction where the facility is located, or Tallahassee office, as appropriate. A minimum of one electronic copy of the application, engineering plans and reports, and all supporting information for the proposed construction, substantial modification, operation or closure of a facility shall be provided to the Department. The Department shall excuse the applicant from the requirements to submit an application electronically when the applicant files a request with the Department requesting to be excused from the electronic submission requirements due to technological hardship. If an applicant is excused from submitting an application electronically, then the applicant shall submit at least one paper copy of the entire application to the Department.

(b) Information in every application shall be of sufficient detail to show how the facility will be constructed, operated, and closed, and how it will be monitored and maintained after closure, in order to comply with the requirements of this chapter.

(c) Combination facilities. An application for a permit to construct or operate a solid waste management facility having multiple solid waste management components which, if standing alone, would require solid waste management facility permits, shall include all information required to be submitted had each component been proposed as a separate facility, independent of the other components. Such information may be combined or otherwise presented so as to avoid duplicative or repetitive submittals. Additionally, such applications shall be accompanied by such fees as would be required for each facility component.

(6) Engineer of record and professional certification. All engineering plans, reports, and information supporting the application shall be compiled by the engineer of record who shall be responsible for assurance that all technical components have been prepared under the direction and supervision and signed and sealed by the professional registered in Florida in each contributing technical discipline. The engineer of record's signature and seal on the application shall assure that all appropriate technical professional disciplines have been employed in development of the application. The application shall provide that the engineer of record, or another qualified professional working under the supervision of the engineer of record, shall make periodic inspections during construction of the facility to ensure that design integrity is maintained.

(7) Application content and format. Applications for permits to construct, operate, modify, or close a solid waste management facility shall include in the following sequence:

- (a) A letter of application transmittal;
- (b) A completed application form dated and signed by the applicant;
- (c) The permit fee specified in Rule 62-701.315, F.A.C., in check or money order, payable to the Department.
- (d) An engineering report addressing the requirements of this rule which shall:
 1. Contain a cover sheet stating the project title, location, applicant's name, and the engineer's name, address, signature, date of signature and seal;
 2. Have the text printed on 8 1/2 inch by 11 inch consecutively numbered pages;
 3. Contain a table of contents or index describing the body of the report and the appendices; and
 4. Include the body of the report and all appendices.
- (e) Appendices submitted as part of an engineering report to support a permit application shall contain, where required under applicable sections of this rule:
 1. An operation plan and closure plan appropriate for the type of facility;
 2. A contingency plan that complies with subsection (16) of this section;
 3. Illustrative charts and graphs;
 4. Records or logs of tests, soil borings, hydrogeological information, geochemical surveys, and water quality analyses; and
 5. Engineering calculations, including literature citations.
- (f) Plans or drawings for all solid waste management facilities shall:
 1. Use sheets 22 inches by 34 inches or 24 inches by 36 inches, and include title blocks;
 2. Have a cover sheet that includes the project title, applicant's name, sheet index, legend of symbols, and the engineer's name, address, signature, date of signature and seal;
 3. Include a regional map or plan showing the project location in relation to major roadways and population centers;
 4. Include a vicinity map or aerial photograph taken within one year preceding the application, showing the facility site and relevant surface features located within 1000 feet of the facility;
 5. Have a site plan showing the location of all property boundaries certified by a Florida Licensed Professional Surveyor and Mapper; and

6. Clearly show all necessary details and be numbered, titled, and referenced to the narrative report. Drawings shall contain a north arrow and horizontal and vertical scales, and shall specify drafting or origination dates. All elevations shall be referenced to a consistent, nationally recognized datum.

7. Latitude and longitude data shall be included representing the approximate center of the waste disposal or processing area and shall include the method the data was collected using the following:

Field Name	Also Known As	Description
Object of Interest	Feature	The object the point represents.
Relationship of Point to Object of Interest	Proximity	Identifies how close the point is to the actual object of interest.
Collection Method	Method	The method used to collect the point.
Collection Date	Date	The date the point was collected.
Datum		The reference for measuring locations on the earth's surface.

(g) Documentation that the applicant either owns the property or has legal authorization from the property owner to use the site for a solid waste management facility; and

(h) For facilities owned or operated by a county, a description of the existing or proposed recycling facilities or activities, if any, at the site and a description of whether, and the extent to which, these recycling facilities or activities will contribute to the county's achievement of the waste reduction and recycling goals contained in Section 403.706, F.S.

(i) For purposes of the evaluation required in subsection (3) of this section, a history and description of any enforcement actions described in subsection (3) of this section relating to solid waste management facilities in this state.

(8) Notice of application.

(a) An applicant for a permit to construct or substantially modify a solid waste management facility shall publish and provide proof of publication to the Department of a Notice of Application in a newspaper of general circulation in the area where the facility will be located. This notice shall conform to the requirements of Rule 62-110.106, F.A.C., except that the notice shall be published within 14 days of submittal of a permit application to the Department.

(b) An applicant for a permit to construct or substantially modify a Class I or III landfill shall mail a notice of application to the Chair of the Board of County Commissioners, the highest ranking elected official of the municipality, and each State Senator and Representative serving the jurisdiction in which the project is located. The notice shall be mailed within 14 days of submittal of the application to the Department, and proof of mailing shall be provided to the Department. After the Department completes the permit review, the Department shall send a copy of the notice of intent to issue or deny the permit to these same officials.

(9) Permits for construction, modification, operation, and closure. Complete permit applications for construction or operation of a solid waste management facility, renewal of an operation permit for an existing facility, modification of an existing facility, or closure of a facility shall be evaluated by the respective Department district office in accordance with Chapters 62-4 and 62-701, F.A.C.

(a) The Department shall:

1. Issue a construction permit, or a construction/operation permit for a solid waste management facility, or for a substantial modification of an existing solid waste management facility.

2. Issue an operation permit for a new facility that has been satisfactorily constructed, or to an existing facility which is being operated in accordance with this chapter at the time for permit renewal;

3. Issue a closure permit for closing and long-term care of a landfill that complies with the requirements of Rules 62-701.600-.620, F.A.C.; or

4. Deny the issuance of a permit if reasonable assurance is not provided that the requirements of Chapters 62-4 and 62-701, F.A.C., will be satisfied.

(b) After all specified construction has been completed and before acceptance of any solid waste, the engineer of record shall certify to the Department that the permitted construction is complete and that it was done in accordance with the plans submitted to the Department except where minor deviation was necessary. The certification shall be submitted on Form 62-701.900(2), Certification of Construction Completion of a Solid Waste Management Facility, effective May 19, 1994, hereby adopted and incorporated by reference. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS #4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. The final report required by subsection 62-701.400(7), F.A.C., as well as any reports required by subparagraphs 62-701.400(3)(d)10. and 62-

701.400(3)(f)5., F.A.C., shall be submitted with the certification. All deviations shall be described in detail and the reasons therefore enumerated. The permittee shall not accept solid waste at the facility until one of the following has occurred:

1. The Department has stated in writing that it has no objection to the certification of construction completion; or
2. At least 30 days have passed since the certification was submitted and the Department has not responded in writing to the certification.

(c) In addition to the above requirements, the permittee shall not accept solid waste at the facility unless a construction/operation permit or an operation permit has been issued to the permittee.

(d) Permit durations shall be as follows:

1. For any facility with a leachate control system that applies for an operation or construction permit or renews an existing operation or construction permit on or after October 1, 2012, up to 20 years;
2. For any facility without a leachate control system that meets the requirements of Section 403.707(3)(c), F.S., up to 10 years;
3. For closure permits authorizing only long-term care for landfills, up to 10 years; and
4. For all other permits, up to 5 years.

(10) Permit renewals.

(a) A renewal application shall be timely and sufficient. If the renewal application is submitted prior to sixty days before expiration of the existing permit, it will be considered timely and sufficient. If the renewal application is submitted at a later date, it will not be considered timely and sufficient unless it is submitted and made complete prior to the expiration of the existing permit. When the application for renewal is timely and sufficient, the existing permit shall remain in effect until the renewal application has been finally acted upon by the Department or as otherwise provided in Section 120.60, F.S.

(b) Applicants for permit renewal shall demonstrate how they will comply with any applicable new or revised laws or rules relating to construction, operation, or closure of solid waste management facilities. Closure plans shall be updated at least once every five years to reflect changes in closure design, long-term care requirements, and financial assurance requirements.

(c) Facility information that was submitted to the Department to support the expiring permit, and which is still valid, does not need to be re-submitted for permit renewal. The permit renewal application shall list and reaffirm that the information is still valid.

(11) Permit transfers.

(a) Any person wishing to transfer a permit shall submit such a request using Form 62-701.900(8), Permit Transfer Form, <http://www.flrules.org/Gateway/reference.asp?No=Ref-05030>, effective date February 15, 2015, hereby adopted and incorporated by reference. Copies of this form are available from a local District Office or by writing to the Department of Environmental Protection, Solid Waste Section, MS #4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. The form must be completed with the signatures of both the permittee and the proposed new permittee.

(b) A transfer of permit is required upon the sale or transfer of a facility. A transfer of permit is also required if a new or different person takes ownership or control of the facility. A transfer of permit is not required if the facility simply changes its name, although the permittee must notify the Department of such a change using Form 62-701.900(8). A transfer of permit is also not required solely as a result of the sale of stock or assets or a change of operating personnel, as long as ownership or control of the facility has not changed. A permittee may apply for a permit transfer prior to the sale or change of control of the facility, but the permit transfer shall not be effective prior to the sale or change of control.

(c) The proposed new permittee shall provide reasonable assurance that it has the ability to comply with the conditions of the existing permit, that it either owns the property or has legal authorization from the property owner to use the site, and that it meets any financial assurance requirements of the permit or applicable rules.

(d) Within 30 days of receipt of an application for permit transfer, the Department shall request additional information if the application is not complete. Within 30 days of receipt of a complete application, the Department shall either approve or deny the permit transfer. The Department's determination shall be based solely on its evaluation of the requirements in paragraphs (a) through (c) above. If the Department fails to take action to approve or deny the transfer within 30 days of receipt of a complete application, the transfer shall be deemed approved.

(e) Until this transfer is approved by the Department, the permittee and any other person constructing, operating, or maintaining the permitted facility shall be liable for compliance with the terms of the permit. The permittee seeking to transfer the permit shall remain liable for corrective actions that may be required as a result of any violations occurring prior to the sale or legal transfer of the facility. If the existing permittee is under a continuing obligation to perform corrective actions as a result of a Department

enforcement action or consent order, the permit may not be transferred until the proposed new permittee agrees in writing to accept responsibility for performing such corrective actions.

(f) If financial assurance for closure is required for the permit being transferred, the existing permittee shall maintain that financial assurance until the Department approval of the transfer is final. The proposed new permittee shall also provide financial assurance before the transfer is approved by the Department.

(12) Identification number. The Department shall assign an identification number to each solid waste management facility that receives a permit. The number shall be unique to that facility, and shall remain assigned to that facility at all times. The identification number shall be used on all correspondence and records related to that facility.

(13) Airport safety.

(a) Applicability. This subsection applies to those solid waste management facilities constructed after January 6, 1993, as well as lateral expansions of facilities that were constructed prior to January 6, 1993. For purposes of this subsection, an "airport runway" does not include facilities used solely for helicopters or other aircraft which take off and land vertically.

(b) Solid waste management facilities where waste is stored, disposed, or processed outdoors, shall not be located within 10,000 feet of any licensed and operating airport runway used by turbine powered aircraft, or within 5,000 feet of any licensed and operating airport runway used only by piston engine aircraft, unless the applicant demonstrates that the facility is designed and will be operated so that it does not pose a bird hazard to aircraft.

(c) Applicants proposing to construct new landfills within a six mile radius, and applicants proposing to construct lateral expansions of existing landfills within a five-mile radius, of any licensed and operating airport runway used by turbine powered or piston engine aircraft shall notify the affected airport, the Federal Aviation Administration, and the Florida Department of Transportation when the application is filed with the Department, and shall provide evidence of such notification to the Department.

(d) The following facilities are exempt from the requirements of this subsection:

1. Enclosed solid waste management facilities where waste is received and processed indoors, where all waste or residue is removed by enclosed or covered vehicles, and where putrescible waste is not processed, stored, or otherwise managed outdoors except in enclosed or covered vehicles;

2. Recovered materials processing facilities;

3. Yard trash processing facilities;

4. Yard trash disposal facilities;

5. Ash monofills;

6. Construction and demolition debris disposal or recycling facilities that are not co-located with other solid waste disposal facilities accepting putrescible wastes; and

7. Any other solid waste management facility that does not accept putrescible waste for disposal, processing, or recycling.

(14) Other facility permits. In addition to the exemptions in subsection (2) of this section, the following solid waste management facilities that are constructed and operated under an appropriate and currently valid permit are not required to obtain a separate solid waste permit pursuant to this chapter:

(a) Solid waste combustors or air curtain incinerators that are constructed and operated under a permit issued pursuant to Chapters 62-296 or 62-256, F.A.C.; however, if the facility is also storing or disposing of solid waste on the site, and such storage or disposal is not addressed in the permit, a separate solid waste permit is required;

(b) Solid waste combustors that are constructed and operated under a site certification pursuant to Chapter 403, Part II, F.S.;

(c) Solid waste management facilities, such as composting facilities, waste tire processing facilities, soil treatment facilities, and used oil processing facilities, that are required to obtain permits under Chapters 62-702 through 62-722, F.A.C. A facility shall be required to obtain a separate solid waste permit if it also manages significant quantities of other types of solid waste.

(15) Operator and spotter training and special criteria. The owner or operator of a landfill, or other solid waste management facility required by this chapter to have trained operators or spotters, shall not employ a person to perform, nor may any person perform, the duties of an operator or spotter at such facility unless that person is a trained operator or trained spotter. A facility may employ interim spotters, but only if they work under the direct supervision of a trained spotter or trained operator. A facility may employ an interim operator in lieu of a trained operator for no more than three consecutive months.

(a) Owners and operators of facilities shall ensure that operators employed at the facility are properly trained to operate the facility, and that spotters are properly trained to identify and properly manage any unauthorized waste which is received at the facility. A training plan shall be included as part of the permit application. All training courses, whether public or in-house, must be

pre-approved by the Department pursuant to Section 403.716, F.S. Such training materials shall be submitted to the Department for pre-approval, and shall be approved by the Department where the course materials are consistent with Department rules applicable to solid waste facilities. Any in-house operator training program which includes an examination required by this subsection must be administered by an independent third party. Any other in-house operator training program must be administered by a trained operator. Any in-house spotter training program must be administered by a trained operator or a trained spotter. The training plan, along with records documenting how the training plan is being implemented, shall be kept at the facility at all times and be made available for inspection by Department staff. The Department will maintain a list of relevant training courses which are available in this State.

(b) In order to be considered trained, operators of the following facilities shall complete the following training requirements at courses described in the facility's operating plan:

1. Operators of landfills, and operators of construction and demolition debris disposal facilities, shall complete 24 hours of initial training, and shall pass an examination as part of that training. Within three years after passing the examination, and every three years thereafter, operators shall complete an additional 16 hours of continued training.

2. Operators of waste processing facilities shall complete 16 hours of initial training, and shall pass an examination as part of that training. Within three years after passing the examination, and every three years thereafter, operators shall complete an additional 8 hours of continued training.

(c) In order to be considered trained, spotters shall complete 8 hours of initial training at courses described in the facility's operating plan. Within three years after attending the initial training, and every three years thereafter, spotters shall complete an additional 4 hours of continued training.

(d) Spotter location.

1. Each facility where spotters are required shall include in its operation plan the number and location of spotters and the procedures to be followed if unauthorized waste is discovered. Spotters shall be stationed where they can inspect each shipment of waste for unauthorized waste.

2. If spotters are to be located on heavy equipment spreading the waste at the working face of a solid waste disposal unit or at a waste processing facility, the operation plan shall specifically provide for the following:

a. The heavy equipment operator is trained as an operator or spotter;

b. When unauthorized waste is discovered, the heavy equipment operator must either move the unauthorized waste away from the active area for later removal and proper management, or must stop operation and notify another person on the ground or on other equipment who will come to the active area and remove the unauthorized waste before operations are resumed; and

c. Each load of waste must be visually inspected for unauthorized waste prior to being compacted or loaded into a transfer vehicle.

(e) Notwithstanding the definition in Rule 62-701.200, F.A.C., and solely for purposes of this subsection, "operator" means any person, including the owner, who is principally engaged in, and is in charge of, the actual operation, supervision, and maintenance of a solid waste management facility and includes the on-site person in charge of a shift or period of operation during any part of the day, such as facility managers, supervisors and equipment operators. It does not include office personnel, laborers, equipment operators not in a supervisory capacity, transporters, corporate directors, elected officials, or other persons in managerial roles unless such persons are directly involved in on-site supervision or operation of a solid waste management facility. A trained operator may perform the duties of a trained spotter.

(f) For purposes of this subsection, "interim operator" means a person who has, in the opinion of the facility manager, shown competency in his chosen occupation through a combination of work experience, education and training and who has at least one year of experience at that facility or a similar facility. An interim operator must become a trained operator within one year of employment as an interim operator.

(g) For purposes of this subsection, "spotter" means a person employed at a solid waste management facility whose job it is to inspect incoming waste and to identify and properly manage any unauthorized waste that is received at the facility.

(h) For purposes of this subsection, "interim spotter" means a person who has, in the opinion of the facility manager, shown competency in his chosen occupation through a combination of work experience, education and training. An interim spotter must become a trained spotter or trained operator within three months of employment as an interim spotter.

(16) Emergency preparedness and response.

(a) Every permitted solid waste management facility shall have, as part of its operation plan, a contingency plan appropriate for the type of facility to cover operational interruptions and emergencies such as fires, explosions, or natural disasters. The contingency plan shall be kept at the facility at all times and shall be accessible to facility operators. The contingency plan shall include:

1. Designation of persons responsible for implementation of the contingency plan;
2. Procedures for notification of appropriate emergency response persons, including the department, the local government, and local fire protection agencies;
3. A description of emergency procedures to be followed, including the location of fire-fighting equipment and explanations of how to use this equipment;
4. Provisions for the immediate shutting down of those parts of the facility affected by the emergency and notification to customers of the closure of the facility; and
5. Procedures for notification of neighbors and local government officials of the potential impacts of the emergency, and provisions to minimize those impacts.

(b) Every solid waste disposal facility shall have:

1. Sufficient equipment to implement the contingency plan, including equipment for excavating, spreading, compacting, and covering waste;
2. Sufficient reserve equipment or arrangement to obtain additional equipment within 24 hours of equipment breakdown;
3. Communications equipment for emergency and routine communications; and
4. Fire protection and fire-fighting capabilities adequate to control accidental burning of solid waste in the facility. Fire protection includes procedures for notification of local fire protection agencies for assistance in emergencies.

(c) In the case of a fire within the waste pile at a solid waste management facility, all reasonable efforts shall be made to immediately extinguish or control the fire. If the fire cannot be extinguished or controlled within an hour, the owner or operator shall immediately:

1. Implement the contingency plan which is included as part of its operation plan;
2. Cease accepting waste for disposal in those areas of the facility impacted by the fire; and
3. Notify the department and the local government having jurisdiction over the facility of the fire and of the fire control plan being implemented by the owner or operator;

(d) If the fire cannot be extinguished or controlled within 48 hours, the owner or operator shall notify the local fire protection agency and seek its assistance, and shall also notify the local government and any neighbors likely to be affected by the fire.

(17) Minimum ground water criteria. For those solid waste management facilities constructed after January 6, 1993, the minimum ground water criteria specified in Rule 62-520.400, F.A.C., shall apply only outside the permitted zone of discharge, notwithstanding the provisions of Rules 62-520.400 and 62-520.420, F.A.C. However, exceedances of ground water criteria within a permitted zone of discharge shall continue to require evaluation monitoring and prevention measures in accordance with subsection 62-701.510(6), F.A.C.

(18) Zone of discharge. A facility's zone of discharge shall be determined pursuant to Chapter 62-520, F.A.C. For all solid waste disposal facilities constructed after January 6, 1993, the zone of discharge shall not exceed 100 feet from the edge of those solid waste disposal units permitted to be constructed, unless modified in accordance with Rule 62-520.470, F.A.C.

Rulemaking Authority 403.061, 403.704, 403.716 FS. Law Implemented 403.0877, 403.121(3)(e), 403.702, 403.704, 403.707, 403.716 FS. History—New 1-6-93, Amended 1-2-94, 5-19-94, Formerly 17-701.320, Amended 12-23-96, 5-27-01, 1-6-10, 8-12-12, 2-15-15.



Item 8.a.b.c.

MANAGER'S REPORT

AIR

PBSO Report

Fire Rescue Report

Town of Loxahatchee Groves, Florida Town Council AGENDA ITEM REPORT

AGENDA ITEM NO. 8.a.

MEETING DATE: 04/21/2015

PREPARED BY: William F. Underwood, II, Town Manager

SUBJECT: Manager Update

1. BACKGROUND/HISTORY

Problem Statement: The Town Council requests updates on activities and issues.

Problem Solution: Provide the Council with an update.

The Council requested they be updated on the various issues facing the Town, it is noted that items in this category be provided as part of a written report.

2. CURRENT ACTIVITY

- **Trails:** At the Town Council meeting of 11/18/2014, the Council approved the Town drafted ILA for funding the trails, maintenance easements, and roads. The ILA was transmitted to the LGWCD on Wednesday, 11/19/2014.
 - Subsequent to the ILA transmittal, the Town Attorney, and staff met with the LGWCD attorney and administrator on Friday, 11/21/2014, at the office of the District's attorney.
 - Substantial progress was made. The Town attorney provided the District's attorney with a summary of the discussion points to be incorporated within a jointly prepared ILA.
 - On or about December 3, the Town received comments from the attorney for the LGWCD.
 - On December 9, the Town Attorney and I were reviewing the points of the agreement.
 - This working group will labor to complete the agreement and present to the respective legislative boards as soon as practical.
 - As of December 30, 2014, the Town is on hold pending a response from LGWCD.
 - Recent discussion on January 13, 2015 with the Administrator indicates the Town should be reviewing a response soon.
 - On January 23, 2015, the Town received an ILA from the LGWCD without first agreeing to the initial discussion positions tentatively agreed upon at the November 21, 2014, meeting. We requested the LGWCD provide a document which can be edited and changes tracked instead of the document provided which would the Town can use instead of having the Town Attorney re-type the agreement at additional cost.
 - Subsequent to receipt and request, on January 23, 2015, the Town was informed the LGWCD was incorporating a few more tweaks to the agreement. Upon completion, they will send the document to the Town.

- February 3, 2015, the Town received another agreement from the LGWCD, without confirmation regarding the original agreed upon discussion points outlined at the 11/21/2014 meeting between the Town and district staff. Attorney and staff did not have sufficient time to review the document before the district meeting on 2/10/2015.
- February 26, 2015, the Town attorney and this office discussed the ILA submitted by the LGWCD. Further, The Town Attorney has requested a date and time to discuss the ILA during the week of the March 2nd. As of this writing, we have not received a response from the district.
- March 19, 2015, the Town Attorney and I met with Mary Viator and Frank Palen in their offices to review the ILA agreements. **New issues** were submitted for Town compliance by the district's attorney. The new items require the Town to prepare construction standards for public trails upon the district's easements, if applicable. Additionally, it appears that before any trails can be used by the citizens, trail construction standards must be adopted, implemented, and fences are or may be required. These have not been mentioned at any prior discussion regarding the ILA. Under this new requirement:
 - ✓ The Town should first prepare a set of standards that will be incorporated within the agreement.
 - ✓ Further, we learned that not all maintenance easements would be treated as public trails. The trail network concept must be determined before this office could recommend an ILA be agreed upon.

The meeting concluded with the following actions:

- District attorney and staff will review the base ILA agreement and offer potential changes.
 - Town attorney and staff will review the "permit" document and offer potential changes.
 - **April 14, 2015, this office has not had an opportunity to complete the review of the base ILA nor begin the work on reconstructing the Permit pursuant to the district's request.**
- **Traffic:** Staff is working with Minto to draft an agreement between Minto and the Town for the funding of the traffic light at Okeechobee Boulevard and D Road.
 - A discussion with Minto's attorney on December 29, 2014, indicated Palm Beach County would agree for the Town and Minto to enter into a funding agreement which may exclude the County.
 - No activity on this item as of January 14, 2015.
 - No activity on this item as of January 26, 2015.
 - No activity on this item as of February 10, 2015.
 - This office has received communication and we are trying to establish a date and time during the week of March 9th.
 - No activity on this item as of April 1, 2015.
 - **April 15, 2015 this office met with representatives from Minto. Discussion points were covered regarding the proposed funding of the traffic control appurtenances for D Road and Okeechobee. Staff will review the information and report progress at the June 16 Town Council meeting.**
 - **Building:** Staff had a meeting with the Day property representative to preliminary discuss the prospective site plan for the property on Tuesday, December 9. The meeting was to review site plan requirements and process
 - We reviewed the site plan submission requirements
 - Discussed the site plan specifically
 - addressing conditions of approval

- perimeter landscaping buffer requirements
 - horse trail potential
- Timing of submittal and hearings
 - PBC manages traffic related issues and may need to be at meetings
 - LGWCD to affirm positive outfall for drainage
 - Interconnection to westerly property discussion
 - Set RETGAC meeting for January 2015
 - P&Z meeting for January 2015
 - About March present to Town Council.
- No Activity since the 12/16/2014 meeting.
- On 1/12/2015, staff and Mr. Lipp, met with representatives reviewing Rural Vista guidelines assisting the representatives determine the guidelines.
- This item is due to be presented to the P&Z and RETGAC committees jointly at their February 19, 2015, meeting.
- The February 19th P&Z and RETGAC joint meeting placed additional conditions upon the site plan such as an equestrian trail on the north boundary of the property from east to west and the Town's engineer provide a review of the conclusions of the traffic study and acceptance.
- The Town Attorney has received comments regarding the requested trail easement and will be providing a response soon.

Building: FEMA Flood Zone Mapping: Town Council authorized staff and the Town's engineer, Keshavarz & Associates, at its March 3, 2015, Council meeting to work and remove as many homes as possible from the flood plain. The Council authorized a project to assist 218 homeowners or about 1/3 of the population avoid the costly expense of flood insurance based on FEMA's placing the homes in the flood plain. The results of the Town's work in this matter reduced by 75% the number of home located within the flood plain. The attached report specifically addresses the project and process employed to reach such a favorable result.

- April 15, 2015 report from Keshavarz & Associates
- **Roads:** This office met with Angela Hendrichsen Sandoval, P. E., PMP, Section Leader, and Ken Mudd, Resource Professional IV, representing South Florida Water Management District (SFWMD) in reference to a permit the SFWMD issued in 1982 for a road and swale improvement on 43rd. As I understand the purpose of the meeting, SFWMD was looking to determine whether or not the Town would assist them in correcting a deficiency in the road and swale drainage system on the road. The Town will be contacted in the future regarding the next step to be taken to correct the problem.
 - No activity since the 12/16/2014 meeting.
 - No activity from SFWMD representative as of 1/14/2015.
 - This office received communication from SFWMD regarding their internal work to plan their path forward on January 15, 2015. Upon completing their planning effort, they will be in touch with staff.
 - No activity since 1/15/2015 to 2/11/2015.
 - February 23, 2015, Ms. Hendrichsen Sandoval stated that this office will be notified in advance of a letter will be drafted informing residents of a meeting to discuss the matter.
 - No activity as of April 1, 2015.
 - No activity on this item as of April 14, 2015.

- **Roads:** Speed hump removal is being investigated as to the methodology and cost of eliminating those traffic control devices to meet the Town's distance specifications.
 - Due to time constraints, this office has been unable to get a response from potential vendors; however, the Town consultant believed the cost to be equal or greater than the \$700 cost per speed hump to install.
- **Building:** Update of work to prepare the Chamber building to become the Town of Loxahatchee Groves Town Hall
 - In an effort to provide as smooth a transition as possible to the new Town Hall, this office has begun preliminary work to initiate services for the location such as:
 - ~~Establish FPL account~~
 - ~~Establish water and sewer account with Palm Beach County~~
 - ~~Establish solid waste removal~~
 - ~~Establish an account with Suncom, State of Florida telecommunications~~
 - ~~Transfer ATT lines while Suncom gets established~~
 - Transfer Comcast cable
 - Prepare building with interior painting
 - Prepare for a moving company to relocate offices
 - Approval of Termination Notice to YEE's Corporation – Lease Agreement for Town offices
 - Staff continues to work on all necessary items for the transition.
 - Accounts have been established with FPL and PBC Utilities and painting commenced and we are trying to move into Town Hall during the week of April 20th. Efforts, however, are hampered due to the Chamber not leaving anything for the Town's use.
- **Unauthorized living structures:** Pursuant to Town Council instruction, staff initiated action against 1666 C Road for providing for the operations of excess living structures on the property which impacts the Town, at a minimum, through solid waste removal without appropriate payment for the services.
 - Additionally, staff has proceeded with various actions on other properties initiated by individuals.
 - Staff began the survey and will finish and work to prepare a report for either the April 21, or May 5, 2015, agenda.

3. ATTACHMENTS

4. FINANCIAL IMPACT

Not applicable.

5. RECOMMENDED ACTION

Motion to receive and file report.



KESHAVARZ & ASSOCIATES
Civil Engineers – Land Surveyors

Town of Loxahatchee Groves FEMA FIRM Appeal Process

April 15th, 2015

Executive Summary:

- 162 Residential Structures have been removed from flood zone AE (high risk) as a result of the remapping process.
- The scope of the project was modified during the initial stages, currently providing a savings to the Town of \$66,000.
- We recommend for the Town to join Palm Beach County in acquiring LiDAR data during fall of this year to further appeal / amend the FEMA maps. The Town will have the opportunity to acquire LiDAR data at that time for a significant savings.

On March 3, 2015, the Town Council was presented a proposal for civil engineering and survey related services with the goal to assist the Town in pursuing an appeal process through FEMA in order to remove as many houses as possible from the proposed flood zone. The deadline to submit an appeal to FEMA with scientific supporting data was April 2, 2015. At the time, there were two different options available to the Town to appeal the FEMA FIRM process:

1. **Structure Specific Survey Acquisition** and remapping of the preliminary FIRMs
Project Cost: \$109,000
2. **Town-wide LiDAR** data, modeling and remapping of the preliminary FIRMs
Project Cost: \$105,000 - \$120,000

The Town authorized us to proceed with the second option of acquiring town-wide LiDAR data to use as the basis of re-mapping the preliminary FIRMs.

During the early stages of the town-wide LiDAR acquisition a third option was discovered and ultimately used for the FEMA appeal process:

3. **New FEMA DEM:** remapping of the preliminary FIRMs based upon filtering and editing recently available digital elevation model (DEM) released by FEMA on February 28th, 2015.
Project Cost: \$54,000 - \$72,000

Background:

While we were in the process of setting up the flight and associated survey preparation, a third option became available. The City of Greenacres acquired LiDAR data that was given to FEMA to supplement the currently available Lidar information. FEMA incorporated the new LiDAR data and revised the digital elevation model (DEM) used in the mapping process. On February 28, 2015, FEMA released the new DEM to Palm Beach County.

On the afternoon of March 5th, we were notified of the newly available DEM. We immediately downloaded the data, begun a review process of it to determine if it would be beneficial for the Town and notified the Town Manager of the newly available DEM. On the morning of March 6th, we completed our review of the new DEM and determined that it would be significantly beneficial for the Town.

Based upon discussions with the Town Manager on Friday March 6th we decided to cancel the scheduled flight and utilize the new DEM in lieu of acquiring Town-wide LiDAR data based upon the following reasons:

- Based upon our review of the new DEM; filtering and remapping the flood zones on the new DEM would reduce the number of structures by 50%.
- There is no guarantee that LiDAR acquired by the Town would yield a reduction of any more structures in the floodplain.
- FEMA could require the Town to revise the hydrological model for the basin.
- There would be significant cost saving to the Town by not acquiring the LiDAR data.
- Palm Beach County (PBC) will be initiating a large scale LiDAR acquisition process, after the FEMA appeal deadline, where all municipalities are invited to share in the cost savings of one larger scale process, without a 30 day deadline. The information gathered during this effort will be used by PBC to submit for an amendment to the proposed flood mapping. The Town can also participate in that countywide effort.

Project Revisions:

Due to the dynamic changes that occurred early on in the project, our scope of services were adjusted accordingly and the followings steps occurred:

1. Acquired and analyzed newly available DEM;
2. Mapped flood zones AE (high risk) and X based upon the DEM with ArcGIS and filtered flood zones using engineering judgement to remove irregularities that erroneously included structures within flood zone AE;
3. Field verified elevations to confirm the flood zone;
4. Removed areas from the flood zone that were inaccurately represented within the DEM;
5. Authored a letter of appeal to FEMA on behalf of the Town and provided the results of the remapping efforts to FEMA in an acceptable format. FEMA deadline of April 2nd was met;
6. Authored a summary of results and project revisions.

Results:

Upon completion of our analysis and remapping efforts, a total of 162 residential structures have been removed from flood zone AE (high risk), 59 habitable structures (residential and non-residential) remain.

As of this filing, the savings to the Town is \$66,000. However, we may need to address future comments from FEMA which could reduce the savings to \$49,000.

District 15 Loxahatchee Groves

Monthly Report: March 2015



Calls for Service (self-generated)	Monthly
Business/Residence Checks	48
Traffic Stops	33
Dispatched calls	211
Total	292

Traffic	Monthly
Warnings	13
Citations	20
Totals	33

Summary: During the month, D15 deputies handled (292) calls for service. 28% of calls for service were self-generated.

Part I Crimes Case #'s	Monthly
Murder	0
Sexual Assault	0
Robbery	0
Aggravated Assault	2
Burglary	2
Theft	0
Motor Vehicle Theft	1
Arson	0
Total	5

Town of Loxahatchee Groves CMV Enforcement Permit / March 2015

- 0 Citations
- 9 Warnings
- 0 FIR / Field Interview Reports
- 5 Commercial Vehicle Inspections / 1 Placed Out of Service
- 1 Arrests (Town of Loxahatchee Groves Ordinance 2014-03)

Summary:

- 02/15/15- Fatal Automobile accident at 13771 Okeechobee Blvd between F & E roads. The vehicle left the roadway and crashed into a mailbox before striking a utility pole, the 72 year old driver was taken to St. Mary's Medical Center via Trauma Hawk helicopter. He died of his injuries on 03/26/15. Accident is still under investigation by the PBSO Vehicle Homicide Investigations unit.
- Boonies Bar & Grill at 14555 Southern Blvd / State of FL Alcohol, Beverage, & Tobacco Operation. 03/31/15, Assisted ABT with a successful completion.
- Boonies Bar & Grill at 14555 Southern Blvd / Intoxicated woman was arrested for battery on an officer, resisting arrest, and trespassing.



Fire Rescue

Chief Jeffrey P. Collins
405 Pike Road
West Palm Beach, FL 33411
(561) 616-7000
www.pbcgov.com



**Palm Beach County
Board of County
Commissioners**

Shelley Vana, Mayor
Mary Lou Berger, Vice Mayor
Hal R. Valeche
Paulette Burdick
Steven L. Abrams
Melissa McKinlay
Priscilla A. Taylor

County Administrator

Robert Weisman

*"An Equal Opportunity
Affirmative Action Employer"*

Official Electronic Letterhead

April 10, 2015

William F. Underwood, II, Town Manager
Town of Loxahatchee Groves
14579 Southern Blvd., Ste. 2
Loxahatchee, FL 33470

Dear Mr. Underwood:

Enclosed is the Response Time Report for the Town of Loxahatchee Groves for February and March 2015.

If you have any questions or concerns, please contact me at 561-308 4103.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Arena".

Michael Arena, Battalion Chief
Palm Beach County Fire-Rescue



3/16/2015

Palm Beach County Fire Rescue

Loxahatchee Groves Response Time Report

20150201 to 20150228

Event #	Station	Location of Event	Date	Received	Entered	Dispatch	Enroute	Onscene	Close	Disp Hand	Turnout	Travel	Resp Time*
Emergency Calls:													
F15018669	21	CASEY RD LOX	02/03/2015	22:29:42	22:30:28	22:30:37	22:32:48	22:38:28	23:09:08	0:00:55	0:02:11	0:05:40	0:08:46
F15020468	21	COLLECTING CANAL RD LOX	02/07/2015		06:19:35	06:19:41	06:22:32	06:29:34	07:15:13	0:00:31	0:02:51	0:07:02	0:10:24
F15020687	21	COLLECTING CANAL RD LOX	02/07/2015		15:09:48	15:09:56	15:11:04	15:16:20	15:53:44	0:00:33	0:01:08	0:05:16	0:06:57
F15021046	21	CASEY RD LOX	02/08/2015	08:47:01	08:47:22	08:47:27	08:48:10	08:52:53	09:27:53	0:00:26	0:00:43	0:04:43	0:05:52
F15021662	21	OKEECHOBEE BLVD/B RD LOX	02/09/2015	11:44:36	11:45:01	11:45:10	11:45:42	11:48:54	12:26:49	0:00:34	0:00:32	0:03:12	0:04:18
F15023158	21	VALENCIA DR LOX	02/12/2015		00:38:06	00:38:13	00:39:48	00:46:36	01:27:33	0:00:32	0:01:35	0:06:48	0:08:55
F15023349	21	COLLECTING CANAL RD LOX	02/12/2015	11:11:41	11:11:59	11:12:10	11:12:53	11:21:28	12:02:26	0:00:29	0:00:43	0:08:35	0:09:47
F15023709	21	D RD LOX	02/13/2015	02:24:30	02:24:52	02:24:59	02:28:02	02:31:59	02:36:50	0:00:29	0:03:03	0:03:57	0:07:29
F15024187	21	CASEY RD LOX	02/13/2015	21:29:15	21:29:53	21:29:57	21:31:01	21:36:37	22:27:19	0:00:42	0:01:04	0:05:36	0:07:22
F15024315	21	NORTH RD/B RD LOX	02/14/2015		03:40:56	03:41:03	03:42:13	03:50:33	04:02:53	0:00:32	0:01:10	0:08:20	0:10:02
F15025636	21	F RD/OKEECHOBEE BLVD LOX	02/16/2015	15:08:42	15:08:58	15:09:05	15:10:00	15:12:38	16:22:32	0:00:23	0:00:55	0:02:38	0:03:56
F15026205	21	OKEECHOBEE BLVD/A RD LOX	02/17/2015		12:56:26	12:56:41	12:57:15	13:00:14	13:34:45	0:00:40	0:00:34	0:02:59	0:04:13
F15026920	26	145TH AVE N LOX	02/18/2015		17:25:44	17:25:52	17:27:21	17:35:44	18:51:57	0:00:33	0:01:29	0:08:23	0:10:25
F15027128	21	B RD LOX	02/19/2015	03:51:07	03:51:32	03:51:36	03:52:28	04:03:01	04:24:36	0:00:29	0:00:52	0:10:33	0:11:54
F15027526	21	SOUTHERN BLVD LOX	02/19/2015		18:54:37	18:54:44	18:55:22	19:01:12	19:01:38	0:00:32	0:00:38	0:05:50	0:07:00
F15027629	21	COLLECTING CANAL RD LOX	02/19/2015	22:23:23	22:23:39	22:23:48	22:24:55	22:29:43	23:13:29	0:00:25	0:01:07	0:04:48	0:06:20
F15029239	21	22ND RD N LOX	02/22/2015	16:19:01	16:19:35	16:20:02	16:21:05	16:26:55	17:04:12	0:01:01	0:01:03	0:05:50	0:07:54
F15029396	21	6TH CT N LOX	02/22/2015	21:44:28	21:45:07	21:45:13	21:46:07	21:54:12	22:43:06	0:00:45	0:00:54	0:08:05	0:09:44
F15030028	21	HYDE PARK RD LOX	02/24/2015	00:51:42	00:51:59	00:52:09	00:53:56	01:01:03	01:41:00	0:00:27	0:01:47	0:07:07	0:09:21
F15030680	26	NORTH RD LOX	02/25/2015		02:12:14	02:12:22	02:14:32	02:21:00	02:54:39	0:00:33	0:02:10	0:06:28	0:09:11
Average Response Times:										0:00:34	0:01:19	0:06:05	0:07:59
Non Emergency Calls:													
F15023047	21	C RD/OKEECHOBEE BLVD LOX	02/11/2015	18:12:31	18:13:51	18:15:06	18:15:54	18:19:46	18:24:24	0:02:35	0:00:48	0:03:52	0:07:15
F15027653	21	SOUTHERN BLVD LOX	02/19/2015		23:29:45	23:29:51	23:31:33	23:36:54	23:42:32	0:00:31	0:01:42	0:05:21	0:07:34
F15028651	21	SOUTHERN BLVD LOX	02/21/2015		15:46:54	15:47:05	15:47:36	15:55:40	16:02:58	0:00:36	0:00:31	0:08:04	0:09:11
F15030099	21	SOUTHERN BLVD LOX	02/24/2015		05:48:35	05:48:42	05:50:48	05:57:19	05:59:41	0:00:32	0:02:06	0:06:31	0:09:09

Created by Jill Gregory on 10/08/2008 (updated 05/23/2012)

H:\Crystal\CAD\FIRECADARCH\City or Specific Areas\Municipal Response Time NEW 5-23-2012.rpt



3/16/2015

Palm Beach County Fire Rescue

Loxahatchee Groves Response Time Report

20150201 to 20150228

Event #	Station	Location of Event	Date	Received	Entered	Dispatch	Enroute	Onscene	Close	Disp Hand	Turnout	Travel	Resp Time*
Corrupt Data:													
F15020588	21	OKEECHOBEE BLVD LOX	02/07/2015		11:50:27	11:50:41	11:52:10	11:50:42	13:18:15	Enroute Time is greater than Onscene Time			
F15021421	21	SOUTHERN BLVD LOX	02/08/2015		23:13:43	23:13:49	23:16:07		23:17:39	Empty Time Fields			
F15024349	21	LOS ANGELES DR LOX	02/14/2015		07:06:14	07:06:21	07:07:02		07:08:36	Empty Time Fields			
F15026797	21	TANGERINE DR LOX	02/18/2015		13:04:20	13:04:29	13:05:42		13:08:36	Empty Time Fields			
F15032819	20	SOUTHERN BLVD/STATE ROAD 80 PBC	02/28/2015		15:43:46	15:44:08	15:45:14		15:46:12	Empty Time Fields			
F15030115	21	SOUTHERN BLVD LOX	02/24/2015		07:03:12	07:03:22	07:04:09		07:09:25	Empty Time Fields			

Total number of Events: 30

*Represents call received to arrival. If there is no received time, the County annual average call received to call entered time is used.



4/8/2015

Palm Beach County Fire Rescue

Loxahatchee Groves Response Time Report

20150301 to 20150331

Event #	Station	Location of Event	Date	Received	Entered	Dispatch	Enroute	Onscene	Close	Disp Hand	Turnout	Travel	Resp Time*
Emergency Calls:													
F15033581	21	NORTH RD LOX	03/01/2015		20:52:00	20:52:05	20:53:37	21:02:42	21:02:59	0:00:30	0:01:32	0:09:05	0:11:07
F15033591	21	NORTH RD LOX	03/01/2015		21:21:01	21:21:11	21:21:58	21:29:18	22:03:49	0:00:35	0:00:47	0:07:20	0:08:42
F15034236	21	TANGERINE DR/D RD LOX	03/03/2015		00:42:11	00:42:18	00:43:54	00:51:19	02:26:01	0:00:32	0:01:36	0:07:25	0:09:33
F15035778	21	SOUTHERN BLVD LOX	03/05/2015		18:53:56	18:53:53	18:54:23	18:59:23	19:07:48	0:00:25	0:00:30	0:05:00	0:05:55
F15037099	20	STATE ROAD 80 LOX	03/08/2015		09:22:57	09:23:06	09:23:53	09:28:24	10:36:07	0:00:34	0:00:47	0:04:31	0:05:52
F15037347	21	SOUTHERN BLVD LOX	03/08/2015	18:46:07	18:46:44	18:47:00	18:47:42	18:53:08	19:40:25	0:00:53	0:00:42	0:05:26	0:07:01
F15037471	21	G RD W LOX	03/09/2015	00:21:24	00:22:27	00:22:31	00:23:14	00:34:11	01:23:32	0:01:07	0:00:43	0:10:57	0:12:47
F15037612	21	OKEECHOBEE BLVD LOX	03/09/2015	09:21:59	09:22:17	09:22:37	09:23:48	09:27:36	09:51:26	0:00:38	0:01:11	0:03:48	0:05:37
F15038410	21	CASEY RD LOX	03/10/2015	18:01:30	18:02:24	18:02:32	18:02:58	18:08:17	18:22:11	0:01:02	0:00:26	0:05:19	0:06:47
F15038507	21	OKEECHOBEE BLVD/E RD LOX	03/10/2015		21:34:53	21:34:57	21:35:56	21:38:22	22:01:54	0:00:29	0:00:59	0:02:26	0:03:54
F15039053	21	CASEY RD LOX	03/11/2015	23:19:26	23:19:54	23:20:15	23:20:32	23:26:43	23:55:45	0:00:49	0:00:17	0:06:11	0:07:17
F15039710	21	B RD LOX	03/13/2015		09:51:59	09:52:05	09:52:27	09:56:14	10:15:30	0:00:31	0:00:22	0:03:47	0:04:40
F15040261	21	F RD LOX	03/14/2015	10:02:57	10:03:25	10:03:30	10:04:06	10:09:27	10:59:36	0:00:33	0:00:36	0:05:21	0:06:30
F15040306	20	BINKS FOREST DR/FLYING COW RANCH RD	03/14/2015	11:40:11	11:40:54	11:41:20	11:42:07	11:45:23	12:14:39	0:01:09	0:00:47	0:03:16	0:05:12
F15040375	20	STATE ROAD 80 LOX	03/14/2015		13:57:34	13:57:40	13:58:43	14:02:09	14:30:40	0:00:31	0:01:03	0:03:26	0:05:00
F15040617	21	BRYAN RD LOX	03/14/2015	23:10:51	23:11:08	23:11:14	23:12:20	23:16:55	23:57:23	0:00:23	0:01:06	0:04:35	0:06:04
F15041683	21	SOUTHERN BLVD PBC	03/16/2015	18:45:15	18:45:39	18:45:47	18:46:21	18:50:54	19:29:20	0:00:32	0:00:34	0:04:33	0:05:39
F15041714	26	40TH ST N LOX	03/16/2015		20:03:36	20:03:42	20:04:14	20:13:04	21:04:03	0:00:31	0:00:32	0:08:50	0:09:53
F15042067	21	SOUTHERN BLVD PBC	03/17/2015		13:31:35	13:31:48	13:32:33	13:37:10	14:06:01	0:00:38	0:00:45	0:04:37	0:06:00
F15042707	21	B RD LOX	03/18/2015		16:00:15	16:00:24	16:02:36	16:08:06	19:29:12	0:00:34	0:02:12	0:05:30	0:08:16
F15043068	21	F RD LOX	03/19/2015		10:35:53	10:36:03	10:36:49	10:51:30	11:40:26	0:00:35	0:00:46	0:14:41	0:16:02
F15043915	21	C RD LOX	03/20/2015	22:14:07	22:14:24	22:14:29	22:15:28	22:23:37	23:56:28	0:00:22	0:00:59	0:08:09	0:09:30
F15044562	21	22ND RD N LOX	03/22/2015		05:16:33	05:16:38	05:18:21	05:23:01	05:50:52	0:00:30	0:01:43	0:04:40	0:06:53
F15044612	21	B RD LOX	03/22/2015	09:02:33	09:03:06	09:03:15	09:04:23	09:07:31	09:43:07	0:00:42	0:01:08	0:03:08	0:04:58
F15045370	21	SOUTHERN BLVD LOX	03/23/2015		15:33:45	15:33:54	15:34:43	15:42:45	16:10:50	0:00:34	0:00:49	0:08:02	0:09:25
F15045833	21	25TH PL N LOX	03/24/2015	13:06:42	13:06:58	13:08:52	13:08:59	13:16:22	13:18:47	0:02:10	0:00:07	0:07:23	0:09:40
F15048347	21	147TH AVE N LOX	03/28/2015		19:18:51	19:18:59	19:19:34	19:27:57	19:29:39	0:00:33	0:00:35	0:08:23	0:09:31
F15048383	21	SOUTHERN BLVD LOX	03/28/2015		20:36:55	20:37:03	20:37:37	20:41:25	20:59:19	0:00:33	0:00:34	0:03:48	0:04:55
F15048730	21	24TH CT N LOX	03/29/2015	14:34:06	14:34:23	14:34:29	14:35:09	14:36:42	15:25:53	0:00:23	0:00:40	0:01:33	0:02:36

Created by Jill Gregory on 10/08/2008 (updated 05/23/2012)

H:\Crystal\CAD\FIRECADARCH\City or Specific Areas\Municipal Response Time NEW 5-23-2012.rpt



4/8/2015

Palm Beach County Fire Rescue

Loxahatchee Groves Response Time Report

20150301 to 20150331

Event #	Station	Location of Event	Date	Received	Entered	Dispatch	Enroute	Onscene	Close	Disp Hand	Turnout	Travel	Resp Time*
F15049091	21	D RD LOX	03/30/2015		09:10:00	09:10:11	09:11:11	09:15:39	09:31:42	0:00:36	0:01:00	0:04:28	0:06:04
F15050014	21	6TH CT N LOX	03/31/2015		21:06:29	21:06:36	21:08:09	21:16:03	21:50:44	0:00:32	0:01:33	0:07:54	0:09:59
Average Response Times:										0:00:39	0:00:53	0:05:55	0:07:27

Non Emergency Calls:

F15038212	21	E CITRUS DR LOX	03/10/2015		11:29:06	11:29:17	11:29:53	11:37:48	11:42:41	0:00:36	0:00:36	0:07:55	0:09:07
F15043300	21	B RD LOX	03/19/2015	18:16:21	18:17:22	18:17:38	18:19:20	18:25:51	18:47:59	0:01:17	0:01:42	0:06:31	0:09:30
F15045464	21	C RD LOX	03/23/2015		18:51:25	18:52:05	18:53:09	18:58:51	19:12:05	0:01:05	0:01:04	0:05:42	0:07:51
F15047706	21	D RD LOX	03/27/2015		17:43:24	17:43:46	17:45:30	17:56:32	18:59:28	0:00:47	0:01:44	0:11:02	0:13:33

Corrupt Data:

F15037100	20	SOUTHERN BLVD/FLYING COW RANCH RD	PBC	03/08/2015	09:22:57	09:23:12						Empty Time Fields	
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Total number of Events: 36

*Represents call received to arrival. If there is no received time, the County annual average call received to call entered time is used.



Item 9.a.

OLD BUSINESS

**Donation to Loxahatchee Groves Elementary School PTO Annual
Spring Carnival**

Town of Loxahatchee Groves, FLORIDA

Town Council AGENDA ITEM REPORT

AGENDA ITEM No. 9.a.

MEETING DATE: ~~01/20/2015~~ 04/21/2015

PREPARED BY: Janet K. Whipple, Town Clerk

SUBJECT: Loxahatchee Groves Elementary School's PTO Annual Spring Carnival and Silent Auction.

1.BACKGROUND/HISTORY

History: During the January 20, 2015, Town Council meeting a presentation was made requesting Town support for the Loxahatchee Groves Elementary School's PTO Annual Spring Carnival and Silent Auction on May 15, 2015. Council chose to bring back the item during the February 3, 2015 meeting for a decision; however, it was overlooked in the Agenda preparation.

Problem Statement: The LGES's PTO will be sponsoring its Annual Spring Carnival and Silent Auction as a family activity in order to have fun, as well as, raise money for their students.

Problem Solution: Authorize a contribution to the LGES's PTO Annual Spring Carnival and Silent Auction.

2.CURRENT ACTIVITY

The Town has donated \$500.00 in the past years for support.

3.ATTACHMENTS

Information/Request letter from the Loxahatchee Groves Elementary School PTO.

4.FINANCIAL IMPACT

This donation will come out of the General Fund/Special Events/Contributions (001-511-820-000). Staff will reduce the transfer to Fund Balance.

5.RECOMMENDED ACTION

Request Council consider a donation to the Loxahatchee Groves Elementary School's PTO Spring Carnival and Silent Auction.



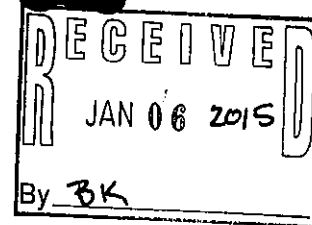
Loxahatchee Groves Elementary School PTO

16020 Okeechobee Blvd

Loxahatchee, FL 33470

loxahatcheelionspto@yahoo.com

Phone: 561-904-9200 Fax: 561-904-9250



Dear Business Partner;

On Friday, May 15, 2015, Loxahatchee Groves Elementary School's PTO will be sponsoring its Annual Spring Carnival and Silent Auction. This carnival is a family activity that brings everyone from our school and surrounding communities together for a day of family fun while also raising money for our students.

For our Carnival to be successful we are asking for your help by making a tax-deductible donation in the form of a monetary donation, sponsoring a ride or donating items for our Silent Auction! Any donations would be greatly appreciated and the PTO will acknowledge your business in our Carnival Appreciation Brochure that is handed out to the approximately 1,500-2,000 people who attend.

If you choose to sponsor a ride they range in price from \$250-\$650 and a sign will be placed by the ride to show your sponsorship. If you choose to make a monetary donation of \$300 or more, you will receive a beautiful plaque to hang in your place of business. Silent Auction items will have a donation card with your name on it next to the item!

Please know that any help you give us will ultimately help the children at our school. All profits and money raised go directly to our teachers and students to provide resources and items that are in much need.

Thank you in advance for your time and consideration! If you have any questions please contact the PTO at 561-904-9238 and if you have chosen to support our Spring Carnival, please send your donation to the school, Attn: PTO, by Friday, May 1, 2015.

Sincerely,

Andrea Green
LGES PTO President



Item 10.a.

NEW BUSINESS

Engineer approval for B Road

Town of Loxahatchee Groves, FLORIDA
Town Council
AGENDA ITEM REPORT
AGENDA ITEM No. 10.a.

MEETING DATE: 04/21/2015

PREPARED BY: William F. Underwood, II, Town Manager

SUBJECT: B Road OGEM Improvement

1.BACKGROUND/HISTORY

Problem Statement: The Town Council requires the Town's engineer to prepare all work necessary pursuant to Resolution No. 2015-08 (B Road Agreement) for the ultimate construction and approval of the improvements on B Road based on the four-party agreement approved by the Town Council at its February 17, 2015, Town Council meeting.

Problem Solution: Engage the Town's engineer to undertake and perform all activities necessary to implement the B Road improvements as envisioned through the B Road Agreement, the Town's portion of the B Road improvements and Resolution No. 2015-08.

At the February 17, 2015, meeting of the Town Council, the Council unanimously approved Resolution 2015-08 that provides for the funding and construction of B Road improvements from Southern Boulevard north to Okeechobee Boulevard. The Town's portion of the project is the development of the OGEM portion of the road and the Town can request additional funding for the project within a 24 month time frame. Further, the agreement specified that three parties in the agreement, specifically, Loxahatchee Equestrian Partners and Solar Sportsystems, Inc., Atlantic Land Investments, LLC, And Palm Beach State College, would be sole responsible for funding the improvements on B Road within the time limit specified.

The improvements are basically in two pieces: 1. Paved portion from Southern Boulevard north to the end of the PBSC property, and 2. OGEM portion from the PBSC to Okeechobee Boulevard. The three parties have escrowed \$2.34 million for the improvements.

In January, 2015, the Town's Attorney submitted a letter approved by the Town Council requesting the LGWCD provide the necessary control of B Road to the Town in order that the Town can fulfill its obligation under the B Road Agreement.

2.CURRENT ACTIVITY

On April 13, 2015, the LGWCD Board of Supervisors approved a motion to quit claim the B Road to the Town upon the satisfactorily provide a survey and legal description of B Road. Although this was approved, there remain a few more actions LGWCD and Town will need to take before the transfer is finalized. The steps as outlined by the district attorney are:

1. The Maintenance Maps need to be prepared and recorded. The Quit Claim Deed to the Town can then be prepared.
2. The Town needs to approve a Resolution Accepting the Quit Claim Deed from the District for B Road.

3. The District would then need to authorize execution of the Quit Claim Deed from the District to the Town for B Road in accordance with the District's Special Acts.
4. The District would then execute the Quit Claim Deed. The Quit Claim Deed would be recorded along with the Resolution from the Town of Loxahatchee Groves.

Upon completion of the above items, the Town's engineer, Keshavarz & Associates, will provide the following scope of services:

1. Geotechnical Engineering Services
2. Land Surveying Services
3. Roadway Design Services
4. Permitting Services
5. Bid Phase Services
6. Construction Phase Services
7. General Consulting Services

The fee as outlined in the their letter dated April 3, 2015, project no. 14-1057 will be:

Our fees for the services outlined above shall be as follows:

Task 1 – Geotechnical Engineering Services	\$	12,000.00
Task 2 – Land Surveying Services.....	\$	16,500.00
Task 3 – Roadway Design Services.....	\$	62,500.00
Task 4 – Permitting Services	\$	16,000.00
Task 5 – Bid Phase Services.....	\$	10,500.00
Task 6 – Construction Phase Services	\$	36,000.00
Estimated Direct Expenses	\$	1,000.00
TOTAL	\$	154,500.00

3.ATTACHMENTS

Project No. 14-1057 – Keshavarz & Associates project engagement
Resolution No. 2015-08 – B Road Agreement
Exhibit B of Agreement

4.FINANCIAL IMPACT

The Town will use funds provided through the B Road Agreement provided by the other three parties to the agreement.

5.RECOMMENDED ACTION

A motion instructing staff and Keshavarz & Associates to commence the B Road improvement.



KESHAVARZ & ASSOCIATES
Civil Engineers – Land Surveyors

Town of Loxahatchee Groves (Client)
14579 Southern Blvd., Suite 2
Loxahatchee Groves, FL 33470

April 3rd, 2015

Project No. 14-1057

Attention: Mr. William F. Underwood, II, ICMA-CM

Reference: **“B Road”, OGEM Improvements, Loxahatchee Groves, Florida**

Dear Mr. Underwood:

Based upon your request and with utmost pleasure, we are presenting you with this proposal to perform the services associated with improvements to B Road from approximately 500' south of Collecting Canal Road to Okeechobee Boulevard in Loxahatchee Groves, Florida. This proposal is presented to you under the auspices of the “Agreement for Professional Engineering Services for the Town of Loxahatchee Groves” currently in place between the Client and Keshavarz & Associates, Inc. (Consultant). It is our understanding that your intent is to pave the roadway using an Open Graded Emulsified Mix (OGEM) surface treatment similar to the OGEM surface treatment that was placed on several adjacent roadways by the Loxahatchee Groves Water Control District (LGWCD).

It is acknowledged that this proposal is also intended to specifically address a list of components/improvements outlined in an “Exhibit B” on an agreement titled “B Road Improvement Agreement” (Agreement) between the Client and three other parties as listed in the said agreement. This Agreement was ratified by Loxahatchee Groves Town Council on February 17th, 2015 (Resolution No. 2015-08). The said Agreement contains an “Exhibit B” which is titled “Approved Paved Section Budget & Approved OGEM Section Budget”. This Exhibit outlines the necessary components and services together with their associated costs, identified and agreed upon through the negotiations leading up to the execution of the Agreement. The components and services outlined under that part of “Exhibit B” which relates to the OGEM road section are those which this proposal is intended to address. The said Exhibit B is attached hereto as “Exhibit 1” of this proposal. In other words, notwithstanding any other reference that may exist in the Agreement, this proposal is only intended to include the professional services in connection with the components outlined within the OGEM section (approximately 1.4 miles) of Exhibit B of the agreement between the Town and the three developers.

It should be noted that, aside from the professional fees for a specific scope outlined within this proposal and included in the OGEM section of Exhibit B, all other costs have been arrived at by estimation by this firm and/or others. As such and since many elements necessary during the course of this project, including but not limited to variations in construction material and labor costs as well as regulatory processes are outside the control of this firm, no warranties expressed or implied are offered through this proposal as to the overall cost of the project at completion or any time during the process of design/approval and construction.



Our scope of services shall be as follows:

1. Geotechnical Engineering Services

Keshavarz & Associates, Inc. (Consultant) shall coordinate with and obtain a proposal from a reputable Florida registered Geotechnical Engineering firm in order to provide the necessary data for it's use during the design phase. Consultant's tasks associated with this item are limited to coordination and exchange of information.

2. Land Surveying Services

Consultant shall determine, locate and map the historic maintenance lines on the east side of the existing roadway for the purpose of determining the "in use" configuration of this road and ultimately, the public's easement rights.

Consultant shall prepare a sketch and legal description to depict the easement. This sketch and legal description will be certifiable and suitable for review and approval by the Loxahatchee Groves Water Control District Board and also recordation in public records of Palm Beach County, Florida. No search of the public records or recordation fees are included.

Consultant shall prepare a Topographic Survey for it's own design purposes of B Road beginning at about 800 feet south of Collecting Canal to the northerly terminus at the roadway of Okeechobee Boulevard. The design survey will include those physical visible and accessible elements required for Consultant's design needs for the subject roadway link and the proposed culvert crossings located at Collecting Canal.

3. Roadway Design Services

Consultant shall prepare construction plans, details and specifications, together with all required calculations and hydraulic/hydrologic modeling for submittal to the appropriate governmental agencies. These plans shall include the existing and proposed topography, the location of all curbing, sidewalks, ramps, inlets and culverts for OGEM Road Improvements from the north driveway of the PBSC site to Okeechobee Boulevard (approximately 1.4 miles). Plan sheets will be prepared on 11" x 17" format at a scale of 1" = 40'. The construction plans shall include drainage structures and cross drain pipes to convey ponded stormwater on the east side of the roadway to the canal per LGWCD requirements. These plans shall include speed humps with appropriate signing and details in accordance with other OGEM improved roadways within the Town. Consultant's design shall include a new drainage culvert at the crossing of B Road and the Collecting Canal in accordance with LGWCD standards. No bridge design is included herein for that crossing. No equestrian trail improvements or roadway modifications or signage on Okeechobee Boulevard are included herein. The design for "B Road" connection to Okeechobee Boulevard is included.



4. Permitting Services

Consultant shall assist the Client in applying for permits for the roadway improvements from the applicable agencies. These services shall include the preparation of permit forms and associated exhibits, together with attendance of a pre-application meeting with agency reviewers. Client shall provide the Consultant with copies of all existing permits, if applicable as previously prepared by others. Client shall provide all applicable permit application fees in the form of check, certified check or money order as required by the applicable permitting agencies. The Consultant's responsibility with respect to "Permitting" is limited to preparation of necessary documents, submittal of same and responding to written and formal comments issued by the regulators arising from each submittal. Consultant shall respond to all comments related to its product and make reasonable and technically acceptable modifications to same. Additionally, the Consultant shall act as an advocate for the Client during this process. Consultant's responsibility as a result of this Agreement does not include negotiations beyond technical issues related directly to its product and/or design. No warranties or guarantees are made by the Consultant to Client towards "Final Approval" issuance by the regulating agencies, anticipated to be the following:

- Town of Loxahatchee Groves – roadway, drainage and tree removals (native trees within the right-of-way)
- Loxahatchee Groves Water Control District – roadway and drainage review
- Palm Beach County – connection permit at Okeechobee Boulevard
- South Florida Water Management District (SFWMD) – Environmental Resource Permit
- Construction plans and details prepared by Consultant shall include Storm Water Pollution Prevention Plans (SWPPP) as required to obtain a National Pollution Discharge Elimination System (NPDES) permit. The NPDES permit will be obtained from the Florida Department of Environmental Protection by the Contractor.

5. Bid Phase Services

Consultant shall prepare an "Engineer's Estimate of Probable Construction Costs" for the proposed improvements as required for submittal with the various permit applications. These documents shall also be used in preparing bid documents and specifications as needed to supplement references to the Florida Department of Transportation (FDOT) specifications and standard details.

Consultant shall assist Client in preparation of an advertisement for bids, publication of same in Palm Beach Post, a complete Bid Package with the assistance of and in accordance with the Town Attorney's instructions. The Bid Package will include instructions to bidders, a bid form, bid and performance bond forms, construction plans, details and technical specifications, and an unexecuted "Contract Between Owner and Contractor" for bidder's review.

Upon bid advertisement, Consultant shall issue "Bid Packages" to all interested contractors and respond to their inquiries regarding same during the bid period. Consultant shall receive, log and review bids received with the assistance of Town Attorney for legal sufficiency and adherence to the "Instruction to Bidders" contained in the "Bid Package".



Consultant shall tabulate all qualified bid prices and make a “Recommendation of Award” to Client. Client shall evaluate Consultant’s recommendation and will make it’s own selection as to the qualified Contractor for award of Project. Consultant will then receive an executed contract from Client and forward to Contractor, together with a “Notice to Proceed”.

Client shall conduct a pre-construction meeting with Consultant, chosen Contractor (Contractor), and other pertinent parties in attendance. At the time of the pre-construction meeting, the approved plans will be issued for construction purposes. Consultant shall be responsible for preparing and issuing the meeting minutes.

Consultant shall then review the Contractor’s initial project construction schedule, and review the schedule at appropriate intervals (monthly) throughout the construction period.

6. Construction Phase Services

This task includes provision of field and office construction observation and administration services to properly observe the substantial conformance of site construction with the approved plans prepared by Consultant. These services shall be performed as needed to provide the required “Construction Completion Statements” to the applicable jurisdictional agencies and liaison services with regulating agencies and Client’s Contractor of choice. While not acting as “Construction Manager”, the Consultant shall act as the Client’s advocate during the process of site construction. This Scope of Services and Schedule of Compensation is based upon all infrastructure improvements being completed in a single phase without interruption except those due to weather, or unless specifically mentioned herein. These services include:

Shop Drawing Review: Consultant shall review and evaluate shop drawings, diagrams, illustrations, catalog data, product schedules, samples, results of tests and inspections, and other data which the Contractor is required to submit, to show that the materials proposed to be used in the work are in substantial compliance with the Consultant’s drawings and specifications.

Routine and Regular Construction Observation: Consultant will make periodic visits to the project site at it’s own discretion for the purpose of observing progress and general quality of the ongoing work and to determine if the work is proceeding in substantial compliance with the construction drawings and specifications. This effort is directed toward assisting Client in knowing that the completed project will conform with requirements contained in the approved drawings, specifications and regulatory agency permit conditions. Consultant will not be responsible for the work of the Contractor or others. Consultant will not be responsible for construction means, methods, sequences, procedures, schedule or safety measures.



Consultant will not provide full time construction observation, therefore, it is imperative that Client, when applicable, and Contractor keep Consultant informed of the progress of work to provide Consultant the opportunity to be present at the site during critical stages of construction by giving proper notice of at least two (2) business days prior to the specific activity requiring the Consultant's presence, notwithstanding Consultant's periodic site visits.

Following each field observation, a report shall be prepared by the Consultant and provided to the Client and Contractor. Additionally, the Consultant shall attend weekly progress meetings with the Contractor and Client, and provide resolution of and assistance with Requests for Information (RFI)'s from the Contractor or Client. The Consultant shall review the Contractor's monthly pay applications and provide recommendation for payment based on the construction completion percentage on a set date each month as determined by the Client.

This proposal is based on an estimated period of nine (9) months for construction phase of the subject improvements commencing with the Consultant's issuance of the "Notice to Proceed" to Contractor and ending with the issuance of last "Construction Completion Statement" by Consultant.

Consultant shall have the right to request additional fees should the site construction process take longer than the allowed nine months. While the necessary steps outlined in this proposal will be performed under the original fee listed in this proposal, the activities due to the delayed project completion or re-testing/re-visits due to failed first time attempts by the Contractor could result in additional fees.

The following outlines a general schedule of the Consultant's required field observations and other activities for each site component:

GRADING, PAVING and DRAINAGE

- Observe project perimeter silt fence and erosion control devices.
- Observe drainage structures prior to installation.
- Observe storm culvert connections to drainage structures prior to backfill.
- Observe culvert crossing replacement.
- Complete on-site subgrade string line observation.
- Complete on-site pavement base string line observation.
- Complete joint off-site subgrade string line observation with pertinent regulating agency (connection to Okeechobee Boulevard).
- Complete joint off-site pavement base string line observation with pertinent regulating agency (connection to Okeechobee Boulevard).
- Review backfill density test reports prepared by others for compliance with design specifications.
- Review general grading of altered canal banks and filled canal sections for compliance with design documents. The results of this review are to be field verified with as-built cross-sections to be completed by others or by Consultant under a separate contract.
- Observe signage and pavement markings for compliance with plans and specifications.
- Observe speed humps.
- Attend semi-final walk through(s) with pertinent regulating agency and Contractor and prepare punch list of items to complete work.



- Attend final walk through(s) of paving, grading and drainage components with pertinent regulating agency.

NPDES MONITORING

- Consultant shall monitor and prepare daily/weekly reports based on rain fall events and monitor the Contractor's implemented pollution prevention devices for conformance with federal, state and local regulations.
- Consultant shall maintain a project SWPPP log throughout the project duration.
- The Consultant shall not be responsible for any violations incurred due to negligence by the Contractor.

Final "Construction Completion Statements" and Record Drawings Review: "Final Completion Statements" shall be prepared for various project components designed and observed during construction by Consultant as may be required by regulating agencies to release and transfer those systems to "Operation Phase".

Consultant shall attend final walk through(s) with the applicable agencies, review record drawings (based on information provided by others or by Consultant under separate contract), and provide Completion Statements to regulatory agencies.

7. General Consulting Services / Meeting Attendance

General consultation to the Client, its representatives, as well as the other parties to the "Agreement" together with their representatives shall be conducted upon request. This item shall also include attendance at meetings not deemed necessary by the Consultant as part of the services listed above but called for by the Client, its agents or other as listed here. This part of the proposal is also intended to cover any and all services that are not reflected in this proposal which may become necessary during the course of our involvement with the subject project. All general consulting services shall be performed upon the Client's request and authorization.

Our fees for the services outlined above shall be as follows:

Task 1 – Geotechnical Engineering Services	\$	12,000.00
Task 2 – Land Surveying Services.	\$	16,500.00
Task 3 – Roadway Design Services.	\$	62,500.00
Task 4 – Permitting Services	\$	16,000.00
Task 5 – Bid Phase Services.	\$	10,500.00
Task 6 – Construction Phase Services	\$	36,000.00
Estimated Direct Expenses	\$	1,000.00
TOTAL	\$	154,500.00




Task 7 – General Consulting Services / Meeting Attendance, which includes any services not included in this proposal but requested by Client or his agents shall be performed on an agreed upon fixed fee or time and material basis in accordance with the “Agreement for Professional Engineering Services for the Town of Loxahatchee Groves” executed on July 24th, 2013.

Note: Consultant reserves the right to subcontract a portion of the scope outlined in this proposal to a reputable firm of it's choice.

We certainly appreciate the opportunity to present you with this proposal. Upon selection, we will do our best to be an effective member of your team of professionals.

Respectfully,
KESHAVARZ & ASSOCIATES, INC.



Maziar Keshavarz, P.E.
President

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2015-08

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE B ROAD IMPROVEMENT AGREEMENT BETWEEN THE TOWN OF LOXAHATCHEE GROVES, LOXAHATCHEE EQUESTRIAN PARTNERS AND SOLAR SPORTSYSTEMS, INC., ATLANTIC LAND INVESTMENTS, LLC, AND PALM BEACH STATE COLLEGE RELATING TO IMPROVEMENTS TO B ROAD FROM SOUTHERN BOULEVARD TO OKEECHOBEE BOULEVARD; AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE THE AGREEMENT; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

STATE OF FLORIDA
COUNTY OF Palm Beach

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of:
Resolution No. 2015-08
as recorded in the Office of the Town Clerk.

WITNESS my hand and official seal this 18th day of Feb, A.D. 2015.
3:00p.m.
TOWN OF Loxahatchee Groves
BY: Yanet K. Lohmeyer, Town Clerk

WHEREAS, Loxahatchee Equestrian Partners, LLC and Solar Sportsystems, Inc., Atlantic Land Investments, LLC., and Palm Beach State College are developing property along Southern Boulevard and B Road within the Town; and,

WHEREAS, Loxahatchee Equestrian Partners, LLC and Solar Sportsystems, Inc., Atlantic Land Investments, LLC., Palm Beach State College, and the Town of Loxahatchee Groves have negotiated a B Road Improvement Agreement for the funding and construction of improvements for B Road from Southern Boulevard to Okeechobee Boulevard, a copy of which is attached hereto; and,

WHEREAS, the Town Council finds it is in the best interest of the Town of Loxahatchee Groves to approve the B Road Improvement Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THAT:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution.

Section 2. The Town Council of the Town of Loxahatchee Groves approves the B Road Improvement Agreement, attached hereto and incorporated herein, and authorizes the appropriate Town Officials to execute same.


Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.


Section 5. This Resolution shall become effective immediately upon its passage and adoption.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS 17TH DAY OF FEBRUARY, 2015.


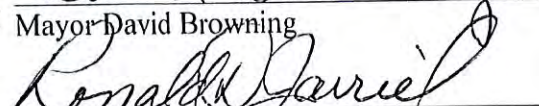
ATTEST:


Janet Whipple, Town Clerk

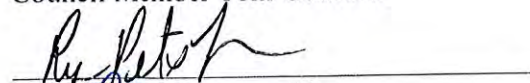
APPROVED AS TO LEGAL FORM:

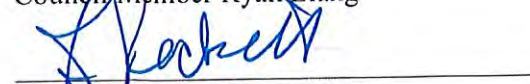

Office of the Town Attorney

TOWN OF LOXAHATCHEE GROVES,
FLORIDA


Mayor David Browning

Vice Mayor Ron Jarriel

absent
Council Member Tom Goltzené


Council Member Ryan Liang


Council Member Jim Rockett

B ROAD IMPROVEMENT AGREEMENT

{00053309 | 1574-0702400 }

Exhibit "B"
Approved Paved Section Budget & Approved OGEM Section Budget

[See attached]

Turbidity Barrier	LF	150	\$	12.30	\$	1,845.00	\$	1,845.00
Canal Reshape	CY	280	\$	13.00	\$	3,640.00	\$	3,640.00
Embankment around pipe	CY	1750	\$	13.45	\$	23,537.50	\$	23,537.50
Baseroack	SY	345	\$	10.40	\$	3,588.00	\$	3,588.00
CMP/Culvert 96"	LF	140	\$	300.00	\$	42,000.00	\$	42,000.00
Conc End Wall	CY	30	\$	860.00	\$	25,800.00	\$	25,800.00
Rubble Rip Rap	Ton	350	\$	63.00	\$	22,050.00	\$	22,050.00
Sod	SY	415	\$	8.00	\$	3,320.00	\$	3,320.00
Bridge Demo	LS	1	\$	60,000.00	\$	60,000.00	\$	60,000.00
Pavement Marking Speed Hump	Each	15	\$	350.00	\$	5,250.00	\$	5,250.00
Stop Signs	Each	8	\$	160.00	\$	1,280.00	\$	1,280.00
Speed Limit Signs	Each	6	\$	160.00	\$	960.00	\$	960.00
No Trucks Signs	Each	2	\$	160.00	\$	320.00	\$	320.00
Canal ROW Signs	Each	6	\$	160.00	\$	960.00	\$	960.00
Speed Hump Signs	Each	30	\$	160.00	\$	4,800.00	\$	4,800.00
Object Marker Signs	Each	45	\$	160.00	\$	7,200.00	\$	7,200.00
Construction Staking	LS	1	\$	15,000.00	\$	15,000.00	\$	15,000.00
Geotech Testing	LS	1	\$	5,000.00	\$	5,000.00	\$	5,000.00
Record Drawings	LS	1	\$	3,000.00	\$	3,000.00	\$	3,000.00
Inlets	Each	15	\$	3,000.00	\$	45,000.00	\$	45,000.00
Culverts 24"	LF	600	\$	75.00	\$	45,000.00	\$	45,000.00
Cement end walls	Each	15	\$	1,500.00	\$	22,500.00	\$	22,500.00
	Subtotal				\$	791,867.20	\$	791,867.20
Contingency				20%	\$	158,373.44	\$	158,373.44
							\$	950,240.64

OGEM Totals	Total	\$	1,111,740.64
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Paved Section			
Design			
Engineer	Alan Gerwig & Assoc.		
Design Plans and Permitting	B Road	\$	50,500.00
Design Plans and Permitting	Water Main	\$	18,000.00
	Subtotal Eng	\$	68,500.00
Survey	AB Engineering	\$	14,880.00
Geotechnical	Tierra	\$	7,630.00
Signal Plan	Kimley Horn	\$	20,000.00
Soft Digs	Ground Hound	\$	2,500.00
Application	LGWCD	\$	5,000.00
	Town Of Loxahatchee Groves	\$	5,000.00
	SFWMD	\$	5,000.00
	FDOT	\$	2,500.00
	Palm Beach County	\$	2,500.00
	Legal	\$	5,000.00
	Accounting & Oversight	\$	5,000.00
	Subtotal App	\$	30,000.00
	Subtotal Design	\$	128,630.00
	Previously Paid	\$	(91,010.00)

Construction		Units	Quantities	Unit Price	Notes	ADJUSTED TOTALS
Mobilization	LS	1	1	538,332.23	Low percentage; should range 4%-7%	538,332.23
NPDES	LS	1	8000	8,000.00	No Comment	8,000.00
MOT	LS	1	10000	10,000.00	No Comment	10,000.00
Drainage Inlets	EA	1	3000	17,700.00	Revise Quantity - (4) P-6 Inlets, (7) C-Inlets	533,000.00
18" RCP	LF	1	40	43,700.00	Revise Quantity - 1154 LF ±	546,160.00
24" RCP	LF	599	48	28,320.00	Remove	50.00
36" RCP	LF	300	80	24,000.00	Remove	50.00
12" Water Main	LF	1460	100	146,000.00		146,000.00

Asphalt Road	SY	8699	40	\$	347,960.00	7581 SY of Asphalt; quantity may also include curb pads and subgrade beyond curb	\$347,960.00
Signal Striping	LF	7000	7	\$	49,000.00		\$49,000.00
F Curb	LS	245	18	\$	2,167.50		\$55,800.00
ADA Ramps and Signals	LS	1	1860	\$	12,000.00	1860 LF ± @ \$25-\$30/LF	\$12,000.00
Bridle Path	SY	1775	9	\$	15,975.00	Pedestrian crossing pedestals need to be relocated	\$15,975.00
Concrete Sidewalk	SY	340	35	\$	10,500.00	480 sy ±	\$16,800.00
Grading and Sod ROW	SY	6638	9	\$	59,742.00	No Comment	\$59,742.00
Clear and grub	LS	1	10000	\$	10,000.00	No Comment	\$10,000.00
Signal Mods without affecting sp	LS	1	50000	\$	50,000.00	No Comment	\$50,000.00
Construction Administration	LS	1	17750	\$	17,750.00		\$17,750.00
Contingency							
		Subtotal		\$	872,114.50		
		Subtotal	10%	\$	87,211.45		
		Subtotal		\$	959,325.95		
		Previously Paid		\$	(17,750.00)		
		Subtotal Construction		\$	959,325.95		
Paved Totals		Total		\$	1,087,955.95		
Roadway Totals		Total		\$	2,199,696.59		
Suggested missing pay items							
Missing cost for Landscaping and Irrigation	LS	1	25000			Suggested cost only. Responsible entity to be determined.	\$25,000.00
Missing cost for concrete median	SY	68	25			Suggested cost and quantity, verified by Alan Gervig & Assoc., Inc.	\$1,700.00
Missing cost for demolition of curb, sidewalk, guardrail, etc.	LS	1	10000			Suggested cost and quantity, verified by Alan Gervig & Assoc., Inc.	\$10,000.00
Missing cost for excavation	LS	1	8000			Suggested cost and quantity, verified by Alan Gervig & Assoc., Inc.	\$8,000.00
Missing cost for surveying layout and asbuilts	LS	1	20000			Suggested cost and quantity, verified by Alan Gervig & Assoc., Inc.	\$20,000.00
Missing cost for embankment	LS	1	4000			Suggested cost and quantity, verified by Alan Gervig & Assoc., Inc.	\$4,000.00
						Subtotal	\$985,219.23
						Contingency 10%	\$98,521.92
						Subtotal Construction	\$1,083,741.15
						OGEM Totals	\$1,111,740.64
						Paved Totals	\$1,212,371.15
						Roadway Totals	\$2,324,111.79